

No. 355

**LIVESTOCK—INSPECTION AND MARKETING OF
HIDES OF SLAUGHTERED CATTLE—RECORDS—BILL
OF SALE, when to be presented**

Held: All inspections of cattle slaughtered under the provisions of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, shall be made by the sheriff, his deputy, or stock inspector appointed by the Livestock Commission, in the county where the animal was slaughtered. Such inspection consists of a stamping of all four quarters of the animal slaughtered and a tagging of its hide at one and the same time. Should the hide be subsequently sold by a butcher or meat peddler to a hide buyer, the retagging of the hide is unnecessary.

February 4, 1942.

Mr. Paul Raftery
Secretary
Livestock Commission
Helena, Montana

Dear Mr. Raftery:

You have submitted the following:

"A situation has arisen in one of the larger cities in the state where hide dealers buy hides from local butcher shops, secure tags from the sheriff, and attach such tags to the hides purchased in their own hide houses. Chapter 284 requires the inspection of meat and hides, and its marking, by the sheriff, in the county where slaughtered. Chapter 177, Laws of 1939, provides only for the marking and inspection of hides, and as it does not require the inspection or marking of meat, we are of the opinion that hides purchased from butchers should be marked in accordance with the provisions of Chapter 284, at the time of their inspection, and that the provisions of Chapter 177, Laws of 1939, do not apply to the extent that hide buyers may secure tags from the sheriff, to be applied by the hide buyer, to hides of cattle which have been purchased from local butcher shops. Chapter 284 requires the presentation of the meat and the hide at the time of inspection. Would you be kind enough to give us your opinion as to the manner in which this inspection should be handled in the case of hides which are purchased from butcher shops by hide dealers?"

Section 3298.18, as amended by Chapter 78, Laws of 1941, insofar as pertinent here provides:

"3298.18. Inspection and Marking of Hides of Slaughtered Cattle—Records—Bill of Sale to Be Presented When—License or Inspection Not Necessary, When. All butchers and meat peddlers and all other

persons shall have the hide in its entirety with tail and ears attached of each beef or veal inspected by a sheriff or his deputy in the county where the animal was slaughtered. The sheriff or his deputy shall mark said hide or hides in such manner as the livestock commission may from time to time by fixed rule require. It is hereby made the duty of the sheriff to make the inspection required by this act. Each of the four quarters so presented shall be stamped with an ink stamp, which stamp shall be provided by the county and the form of which shall be specified by the livestock commission. Said sheriff, or deputy, shall keep a record and issue a certificate of inspection, on a form provided by the county, which form shall be specified by the livestock commission, giving the butcher's or peddler's or person's name, the place of business, the serial number of the inspection of the hide, the brand or brands on the hide, the date of inspection, and the place where such inspection was made. The officer making such inspection shall forward a copy of all inspection certificates to the secretary of the livestock commission at Helena, and to the county clerk of the county in which said inspection was made, on or before the first day of each month, and such inspection certificates shall be placed on file in the offices aforementioned.'

Nothing in Section 3298.18, supra, shall prevent such inspection being made by an inspector appointed by the Livestock Commission. Section 3298.18 aforesaid provides for an inspection of beef or veal slaughtered by the sheriff, his deputy, or stock inspector appointed by the livestock commission, in the county where the animal was slaughtered. Such inspection consists of a stamping of all four quarters of the animal slaughtered and a tagging of its hide at one and the same time. To place any other construction upon the section would nullify its provisions to the extent it would make identification of animals slaughtered extremely difficult and in some cases impossible. It would, in many cases, raise havoc with the stockmen and encourage crime. Should the hide so tagged as aforesaid be subsequently sold to a hide buyer by the butcher or meat peddler, there would be no necessity for a retagging of the hide. All the hide buyer need do in such a case is to secure from the butcher or meat peddler a bill of sale for the hides so purchased, such bill of sale to conform to that prescribed in Chapter 177 of the Laws of 1939. (Section 3, Chapter 177, Laws of 1939).

Therefore, it is my opinion all inspections of cattle slaughtered under the provisions of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, shall be made by the sheriff, his deputy, or stock inspector appointed by the Livestock Commission, in the county where the animal was slaughtered. Such inspection consists of a stamping of all four quarters of the animal slaughtered and a tagging of its hide at one and the same time. Should the hide be subsequently sold by a butcher or meat peddler to a hide buyer, the retagging of the hide is unnecessary.

Sincerely yours,

JOHN W. BONNER
Attorney General