

Opinion No. 113.**Livestock—Inspection of Livestock—
Army of the United States—Persons.**

Held: When the army of the United States operates a slaughter house, its personnel slaughters cattle therein, and the meat from such slaughtered cattle is consumed by its personnel, the army comes within the provision of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, providing any person who kills beef or veal in good faith for his own use shall not be required to have such meat inspected or stamped and shall not be required to procure any license provided for in the act.

August 25, 1943.

Mr. Paul Raftery
Secretary and Recorder of Marks and
Brands
Montana Livestock Commission
State Capitol
Helena, Montana

Dear Mr. Raftery:

You have requested an opinion on the following set of facts:

The army of the United States has leased or secured control of a slaughter house in a certain community. It purchases live cattle through a sales yard, transports the cattle to its slaughter house, where they are slaughtered by army personnel. The meat therefrom is used by the army at its camps. None of the meat is sold to the public.

Is the army required to have such meat inspected and stamped under the provisions of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941?

Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, provides all butchers, meat peddlers, and other persons shall have each of the four quarters of each beef or veal 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. It provides further:

"Any person who kills beef or veal in good faith for his own use or for the use of himself and three (3) neighbors shall not be required to have such meat inspected or stamped, nor shall he be required to procure any license provided for in this act."

While the natural and obvious meaning of the word "person" is a living human being (*Commonwealth v. Welosky* (Mass.), 177 N. E. 656, 659), the word has been extended in meaning many times by statutes and by interpretation. Both the statute and the Supreme Court of this state declare it includes corporations. (Section 16 and 10713, Revised Codes of Montana, 1935; *In re Beck's Estate*, 44 Mont. 561, 575, 121 Pac. 784, 786, 787.) Our Court has also held the United States is a "person" within a covenant in a deed. (*Giddings v. Holter*, 19 Mont. 263, 267, 48 Pac. 8, 9.) A labor union (*McNally v. Reynolds et al.*, 7 Fed. Supp. 112, 113) and a soldiers' home (*Lehnherr v. Feldman et al.*, (Kansas) 202 Pac. 624, 626) have been held to come within the term. Under certain circumstances and statutes, the state itself has been

held a "person." (See *Words and Phrases*, Permanent Edition, Volume 32.)

"The word 'person,' like many other words, has no fixed and rigid signification, but has different meanings dependent upon contemporary conditions, the connection in which it is used, and the result intended to be accomplished. It has been said to be 'an ambiguous word' . . ." (*Commonwealth v. Welosky* (Mass.) 177 N. E. 656, 659.)

While admittedly the army is not a natural person within the ordinary accepted meaning of the word "person," in view of the above interpretations it takes no great stretch of the language employed in Chapter 78, supra, to hold the army is within the exception granted to persons who kill beef or veal in good faith for their own use.

Hence, when the army of the United States operates a slaughter house, its personnel slaughters cattle therein, and the meat from such slaughtered cattle is consumed by its personnel, the army comes within the provisions of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, providing any person who kills beef or veal in good faith for his own use shall not be required to have such meat inspected or stamped and shall not be required to procure any license provided for in the act.

Sincerely yours,
R. V. BOTTOMLY
Attorney General