

of this opinion the farmer does not intend to sell the beef or offer it for sale, but intends to use it himself.

Section 3298.22, Revised Codes of Montana, 1935, provides:

"It shall be unlawful and a misdemeanor for any person to transport by a motor truck or other vehicle or have in his possession for the purpose of sale any meat which has not been inspected and stamped as required by the provisions of this act, and any officer authorized shall have the right to seize and sell the same as hereinbefore provided; provided, however, that this shall not apply to meat being transported or held for the purpose of inspection and stamping as provided for in this act."

Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, after providing for the inspection and marketing of hides and the inspection and stamping of the veal or beef, then provides:

"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."

Although a hasty reading of Section 3298.22, standing alone, may cause one to believe the factual situation you present is included within its provisions, a careful analysis of the two above-quoted provisions indicates the opposite. Reading the two together, as they must be read, it is apparent Section 3298.22 is a general statute, requiring inspection and stamping of meat under certain circumstances. Section 3298.18, as amended by Chapter 78, Laws of 1941, grants a special exemption from inspection and stamping requirements for certain persons under certain circumstances; and to that extent Section 3298.18, as amended by Chapter 78, Laws of 1941, is a special statute. The special statute governs over the general statute where a conflict arises between the two, especially where—as here—the special legislation is also the later expression of the legislative assembly. (*City of Bozeman v. Merrell*, 81 Mont. 19, 261 Pac. 876.)

The livestock laws of this state have been designed by our legislators to

Opinion No. 118.

Livestock—Cattle—Beef—Veal— Inspection of Beef or Veal—Cold Storage Lockers.

Held: A farmer who slaughters beef of his own raising for his own use and takes such beef into another county for storage in a cold storage locker rented for the purpose is not required to have such beef inspected before taking it into the other county.

September 4, 1943.

Mr. Paul Raftery, Secretary
Montana Livestock Commission
State Capitol
Helena, Montana

Dear Mr. Raftery:

You have asked whether a farmer who lives in McCone County, slaughters beef of his own raising and takes such beef into Roosevelt County to store in a cold storage locker he has rented for the purpose must have such beef inspected before taking it into Roosevelt County. I am assuming for the purpose

safeguard and protect one of the most vital industries of this commonwealth. The legislative assembly has directed its attention to safeguarding in every way possible the ownership of livestock; but, by speaking as it did in the portion of Section 3298.18, Revised Codes of Montana, 1935, as amended by Chapter 78, Laws of 1941, above quoted, it showed an intention also to protect from expense and trouble incidental to inspection and stamping of veal or beef those persons who kill beef or veal in good faith for their own use or for the use of themselves and three neighbors.

Hence, it is my opinion a farmer who slaughters beef of his own raising for his own use and takes such beef into another county for storage in a cold storage locker rented for the purpose is not required to have such beef inspected and stamped before taking it into the other county .

Sincerely yours,
R. V. BOTTMLEY
Attorney General