

Opinion No. 31.

**Cattle Hides—Disposal of—Sale of—
Inspection—Certificate of
Inspection.**

HELD: All cattle hides must be inspected before they are destroyed or disposed of by any means. Before delivery of such hides may be made to a buyer a certificate of inspection must be obtained and filed in the county of the seller's residence, provided further that where the seller slaughters the animal in a county other than his county of residence, he may have the hide inspected in either the county where the animal was slaughtered or the county of his residence so long as the certificate of inspection is filed in the county of his residence.

June 24, 1953.

Mr. O. J. Paulson
County Attorney
Sweet Grass County
Big Timber, Montana

Dear Mr. Paulson:

You have requested my opinion on the necessity of having hides inspected when such are transported across county lines and sold in a county other than the county in which the seller of the hides resides.

In 15 Opinions of the Attorney General 454, p. 315, the question which you have presented was answered in the negative. That opinion was based on Section 4, Chapter 172, Laws of 1931, which stated in part:

“Beef or veal hides may be sold to buyers without inspection.”

However, that Act was later amended by Section 1, Chapter 47, Laws of 1939, and the above quoted phrase was deleted from the law. The Act, now Section 46-508, R. C. M., 1947, provides:

“Inspection of Hides Before Disposal—Person Slaughtering Cattle Must Exhibit Hides. Every person or persons, firm, corporation, or association, slaughtering cattle for their own use must before selling, destroying or otherwise disposing of the hide or hides from such cattle, have the same inspected by an officer authorized to make such inspection and secure a certificate of inspection as hereinbefore provided for. **It shall be unlawful for any person or persons, firm, corporation, or association to sell, offer for sale, destroy or otherwise dispose of any hide or hides from slaughtered cattle which have not been inspected and identified by an authorized inspector.** And it shall be the duty of any person or persons, firm, corporation, or association slaughtering cattle, for his own use or otherwise upon demand of an authorized inspector, to exhibit the hide or hides of such animal or animals for inspection or duplicate bill of sale issued by a hide buyer, or some evidence of inspection by an authorized inspector.” (Emphasis supplied.)

Also, in 1939, the legislature passed more comprehensive statutes dealing with this problem. The one most pertinent to the question which you have presented is Section 46-1101, R. C. M., 1947. The applicable parts of that statute read as follows:

* * * * *

“(3) No delivery of any hide or hides shall be made as between the seller and hide buyer in any county other than the county of seller's residence, unless and until the hide or hides have been inspected by an inspecting officer as herein mentioned, in the county of seller's residence.

“(4) If the animal or animals from which such hide or hides have been taken have been killed or butchered in a county other than that wherein seller resides then such inspection and delivery may be had in either of said counties, but such certificate must be filed in the county of seller's residence as hereinbefore provided.”

Section 46-1112, R. C. M., 1947, which makes it a misdemeanor to violate any of the provisions of the above quoted statute, aptly illustrates that it is mandatory that all hides be inspected.

It is therefore my opinion that all cattle hides must be inspected before they are destroyed or disposed of by any means. Before delivery of such hides may be made to a buyer a certificate of inspection must be obtained and filed in the county of the seller's residence, provided further that where the seller slaughters the animal in a county other than his county of residence he may have the hide inspected in either the county where the animal was slaughtered or the county of his residence so long as the certificate of inspection is filed in the county of his residence.