

Opinion No. 19-2267

May 17, 1919

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: The New Mexico Cattle and Horse Growers' Association, P. O. Box 617,
Albuquerque, New Mexico.

Transportation and Inspection of Hides.

OPINION

We are in receipt of letter from your President under date of May 7, requesting an opinion from this office regarding the question as to whether or not it is a violation of law for private persons to purchase hides which have not been inspected, and to transport them across the state line into bordering states without affording an opportunity for examination of the brands by the inspectors of your association.

The law governing the inspection of hides taken from animals is contained in sections 155, 549, 550 and 551, Code 1915.

The first section above mentioned provides that it shall be unlawful for any person, firm or corporation to offer, or for a railroad company or other common carrier to receive, for shipment or transportation beyond the limits of the State, hides that have not been inspected and tagged by an authorized inspector of the Cattle Sanitary Board.

Section 549 provides that a person killing or causing to be killed any cattle or sheep shall keep in his possession without change or mutilation and in condition to be inspected and examined the hides and pelts of such bovine animals for the period of thirty days, and of sheep for the period of ten days.

Section 550 provides a penalty for violation of section 549, and section 551 creates a rule of evidence in cases where persons fail or are unable to produce the hides in accordance with the previous section.

A careful examination of this section will show that a railroad company or other common carrier is prohibited from receiving uninspected hides, but there is nothing which prevents any other individual or group of individuals from transporting hides across the state lines without such hides having been subjected to examination by inspectors of your association.

All persons who kill or cause to be killed such animals, and who dispose of such hides before the expiration of the time of the period specified in section 549, are subject to the penalties provided for by law.

We are of the opinion that inspectors of the sanitary board are authorized to make examination of any hides which they may find in the possession of parties transporting the same by wagon out of the state, but there is no authority for the arrest or punishment of such persons, even though it be found that such hides do not bear the inspection mark or tag provided for in section 155.