



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

April 6, 1939

Honorable E. H. Griffin
County Attorney, Young County
Graham, Texas

Dear Mr. Griffin:

Opinion No. 9-508
Re: Stock Laws, Articles 1452 and
1455 Penal Code, and Article 7005,
Civil Code.

Your request for an opinion as to whether, Articles 1455 and 1452 of Vernon's Penal Code, 1925, have been suspended in so far as Young County is concerned by Article 7005 of Vernon's Civil Statutes, has been received by this office, and you are accordingly advised as follows:

Article 1452 of the Penal Code, 1925, reads as follows:

"Every person who shall carry on the business of butcher or slaughterer of animals and shall fail to keep a true and faithful record, in a book kept for the purpose, of all cattle purchased and slaughtered by him, together with a description of each animal, including brand, age, color, weight and from whom purchased and the date of purchase, or shall fail to have the hide and ears of such animal or animals inspected by the inspector or some magistrate within twenty days after such animal is slaughtered, shall be fined not less than twenty nor more than two hundred dollars."

It therefore follows that said statute is composed of two distinctive parts, each carrying a penalty for failure to comply therewith or to adhere thereto: The first provision requiring the butcher to keep a record of all cattle purchased and slaughtered, and the second providing for an inspection to be made of the hide and ears.

Article 1455 provides for the keeping of a record by the inspector or magistrate and provides further for a penalty for failure to so perform.

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Article 7005, Revised Civil Statutes, as amended by the 45th Legislature in 1937, provides that the County of Young is "hereby exempted from all laws regulating the inspection of hides and animals." (Emphasis added)

After a careful study of these statutes, it is our opinion that Article 7005, hereinabove referred to, suspends the operation of Article 1455 as pertinent to Young County, and further that said article suspends that portion of Article 1452 which provides, "* * * or shall fail to have the hide and ears of such animal or animals inspected by the inspector or some magistrate within twenty days after such animal is slaughtered," but that the portion of Article 1452 which provides "Every person who shall carry on the business of butcher or slaughterer of animals and shall fail to keep a record in a book kept for the purpose, of all cattle purchased and slaughtered by him, together with a description of each animal, including brand, age, color, weight and from whom purchased, and the date of purchase * * * shall be fined not less than twenty nor more than two hundred dollars," is still in full force and effect in so far as Young County is concerned, and a butcher or slaughterer of animals in Young County is still required under the law to keep a record as hereinabove set out, in Penal Code Article 1452.

Although Articles 1452 and 1455 of the Revised Penal Code, 1925, are found in Chapter 11 thereof, designated "Relating to the Recovery of Stolen Animals and Theft Thereof," and Article 1456, providing that, "The counties exempt from the provisions of the five preceding articles shall be the counties now or hereafter exempted by the statutes of this State," is found in the same chapter of the Penal Code; and Article 7005 of the Civil Statutes is found in a chapter headed "Protection of Stock Raisers," we feel the language of Article 7005, wherein it is stated that "The Counties of * * * Young are hereby exempted from the provisions of this Chapter and from all laws regulating the inspection of hides and animals," is sufficiently comprehensive and is full enough to suspend the operation of Article 1455 of the Penal Code as to Young County, and also to suspend as to Young County that portion of Article 1452 which reads "or shall fail to have the hide and ears of such animal or animals inspected by the inspector or some magistrate within 20 days after such animal is slaughtered."

Yours very truly

ATTORNEY GENERAL OF TEXAS

EG:AMM

By

Edgar Cale
Edgar Cale
Assistant

APPROVED:

George B. Mann
ATTORNEY GENERAL OF TEXAS