

Opinion No. 295.

**Livestock—Butchers—Licenses—
Meat Peddler.**

HELD: A butcher who maintains a meat market in one community or town may not in that and all other communities or towns peddle meat without obtaining a peddler's license.

May 22, 1936.

Mr. C. F. Holt
County Attorney
Great Falls, Montana

You have submitted the following:

"A question has arisen in this office, which we would like an early opinion from your office on. We

have a butcher in this county who has paid his butcher's license and is maintaining his butcher shop. Besides this, he loads his meat, either in quarters, halves or otherwise, on his truck and goes from house to house in another community, cutting off and making his sales at the house.

"The question now arises whether or not this party should also be required to take out a meat peddler's license."

Section 1, Chapter 172, Laws of 1931, defining a butcher and a meat peddler, reads: "Every person, firm, corporation or association who slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this State, and who maintains slaughter houses or meat markets for this purpose, and who comply with the rules and regulations of the Montana Livestock Sanitary Board and the State Board of Health, and with the city or town health ordinances where said business is operated, or any other ordinance pertaining to meat dealers, shall, for the purpose of this Act, be designated a 'butcher.' Every other person, firm, corporation or association, who slaughters or causes to be slaughtered any neat cattle or who buys and sells any dressed beef or veal, and who does not maintain a licensed slaughter house or market (for this purpose) shall, for the purpose of this Act, be designated a 'meat peddler.'" (Words in parenthesis ours.)

In order to determine the intention of the legislature it is necessary to consider its purpose and to read the section as a whole. A butcher is one who, among other things, "maintains * * * meat markets for this purpose"—that is, the "purpose of selling or distributing any of the meat or by-products of such cattle," etc. A meat peddler is one "who does not maintain a * * * market" (for this purpose, that is, the purpose of selling or distributing the meat which he is selling or distributing.) It would be absurd if anyone who maintained a meat market in one community or town, could in that and all other communities or towns peddle meat with impunity without obtaining a peddler's

license. A statute should be construed according to the spirit of the law where adherence to the letter would result in absurdity, or would defeat the plain purpose of the Act (59 C. J. 967, Section 572). In following this rule words may be substituted, *Id.*, p. 968. Our opinion in Volume 15, Opinions of the Attorney General, No. 389, page 270, must be considered in connection with the facts there presented. It is not, we believe, in conflict with the conclusion reached herein.