

Meat and Milk Inspection—Annual License—Payment Of.

Under the provisions of Chapter CXX, Laws of 1903, page 232, the fiscal year for collecting meat and milk inspection licenses begins on the first day of June, and such license is payable "quarterly in advance." Licenses should be paid in advance, and not issued on time, credit or on the installment plan, and under this law licenses cannot be issued for a year upon payment in advance of merely an amount sufficient to cover the first quarter.

Helena, Montana, June 6, 1905.

Dr. M. E. Knowles, State Veterinarian, Helena, Montana.

Dear Sir: I am in receipt of your favor of the 5th inst., enclosing letter of Dr. A. H. Cheney, Meat and Milk Inspector of Deer Lodge County, and also a written demand upon such inspector for the issuance by the latter of an annual license to J. S. Boone, a milkman, upon tender of the sum of three dollars. If we correctly understand the facts, Mr. Boone is asking that a license be issued to him for a period of one year from June 1st, upon his paying \$3.00 only, the amount due for the first quarter. His position seems to be, that he should receive an annual license, but need only pay therefor in quarterly installments of \$3.00 each, and that same should be issued to him for one year upon his making payment of the amount due for the first quarter.

The wording of Section 15 of Chapter CXX, Laws of 1903, page 232, is somewhat confusing, however, I think the correct interpretation of such section is as follows: The fiscal year for collecting meat and milk inspection licenses begins on the first day of June, in other words, all persons who convey milk or cream in vehicles, shall annually before the first day of June be licensed. The amount of the license is fixed at \$12.00 per annum. The said section says the same is "payable quarterly in advance." I do not believe the Legislature intended by such language to provide for the issuance of a license good for the entire year, where the person procuring the same had only paid \$3.00 for the first quarter, for if such was the case they certainly would have made some provision in the law for the cancelling or annulling of the license at the expiration of the first quarter, in case the person holding the license refused or neglected to pay for the second quarter. No such provision having been made, in my opinion, a license should only be issued for the

period of time for which the person actually pays at the time of procuring his license. Therefore, if the applicant for license tenders \$3.00, he should be issued a license for three months. Of course if he wished to pay \$12, then a license should be issued to him to cover the entire year. It is the rule throughout the entire license laws of our state, to require all licenses to be paid in advance. Licenses are not issued on time or credit, or even on the installment plan. Licenses must be procured and paid for in advance. When a business requiring a license is conducted without one, provision is made for such violation of the law. But if a license should be issued on the installment plan, there is no provision for collecting defaulted payments or of annulling the license. Therefore, no license should be issued until payment for the full term of the license issued has been received.

The constitutionality of this license has been upheld by our supreme court in the case of the State vs. McKinney, 29 Mont., page 375. I cite this case as it may be of assistance to you in the suits pending.

Yours very truly,

ALBERT J. GALEN,

Attorney General.