

Peddlers—Meat Peddlers—Licenses—Butchers.

Under chapter 121, laws 1927, "butchers" are not required to take out a license until January, 1928, but "meat peddlers" must procure a license on and after June 1, 1927.

Existing butchers and meat peddlers licenses issued under chapter 75, laws 1923, are cancelled by chapter 121, laws 1927.

E. A. Phillips, Esq.,
Secretary Livestock Commission,
Helena, Montana.

June 4, 1927.

My dear Mr. Phillips:

You have asked whether, under chapter 121, laws 1927, any butchers or meat peddlers license is payable during the period from June 1, 1927 to January 1, 1928.

I have also received from other sources, requests for an opinion regarding the effect of the new act upon old licenses issued under chapter 75, laws 1923, which question I will also consider in this opinion.

Section 1 of chapter 121, laws 1927, defines a "butcher" and a "meat peddler." Section 2 of the act provides that every butcher shall pay "an annual license of \$5.00, payable in advance in the month of January of each year." Since the act expressly says that the license shall be payable **in advance**, and that it shall be paid in the month of **January**, it is obvious that the new law does not require the payment of any butchers license until **January, 1928**.

As to meat peddlers licenses, however, we have an entirely different situation. By the terms of the act meat peddlers licenses are payable "to the County Treasurer of each County wherein such peddler sells or distributes any meat." They are not payable in advance in the month of **January**.

I therefore conclude that chapter 121, insofar as it requires the payment of licenses by meat peddlers, is in full force and effect from the date thereof (June 1, 1927), and all meat peddlers, whether licensed under the old act or not, must pay the license required by chapter 121, supra, before they can engage in business. Butchers, however, need not pay any license under chapter 121, laws 1927, until January, 1928, and of course they cannot be required to pay any license under chapter 75, laws 1923, for that act was expressly repealed by the act of 1927.

With regard to the recognition of existing licenses issued under chapter 75, laws 1923, it is my opinion that butchers' licenses which have been heretofore issued under said act are of no effect after June 1, 1927, the date of the repeal of chapter 75, laws 1923, and no butcher can be required to pay a license until January, 1928, when he must procure a license under the new law. All outstanding meat peddlers licenses are likewise cancelled by the new law which contains no saving clause and no provision for any refund of a part of the old license. Meat peddlers

must therefore on and after June 1, 1927, pay the license required by chapter 121, laws 1927. In this connection see 37 C. J., p. 214, section 68, which reads in part as follows:

“All the privileges permitted by the license, and all the protection given thereby, although yet unexpired, are generally cancelled and revoked by the repeal of the law which authorized its grant, unless the license, although obtained under the repealed law, is such a license as is required by the new law.”

Very truly yours,

L. A. FOOT,
Attorney General.