

Butchers—Licenses—Peddlers.

A person who maintains a fixed place of business at which he sells meats is a "butcher" within the meaning of section 1, chapter 121, laws 1927, and need not procure a "meat peddler's" license even though in addition to his fixed place of business he peddles meat from a cart.

Edward M. Tucker, Esq.,
County Attorney,
Hamilton, Montana.

June 10, 1927.

My dear Mr. Tucker:

Answering your letter of June 3rd, it is my opinion that on the facts presented A is a "butcher" and must pay a license fee of \$5.00 on and after January, 1928.

You will note that butcher's licenses are payable "in advance in the month of January of each year"; hence no butcher's license can be due under the Act before January, 1928. Chapter 75, Session Laws of 1923 is expressly repealed, hence no license can be collected under it.

It is my further opinion that A is not a meat peddler for the reason that although he is selling meats "elsewhere than at a fixed place of business," he does maintain a fixed place of business where he sells meat. That fact brings him within the definition of a "butcher" contained in section 1 of chapter 121, session laws of 1927. A need not, therefore, in my opinion, pay a meat peddler's license.

The conclusion reached upon the above question renders it unnecessary to discuss your further question about the number of wagons that may be operated by a meat peddler under a single license. As to the fee of ten cents the act expressly provides that it is to be retained by the officer making the inspection.

Very truly yours,

L. A. FOOT,
Attorney General.