

**Opinion No. 188****Butcher's License—Licenses—Number  
Required—When Not Required.**

HELD: Where a butcher has more than one meat market in a county he should obtain for display a license for each shop from county treasurer.

A person butchering and selling his own cattle at meat market is not required to have butcher's license unless he butchers and sells over 25 carcasses in one year.

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April 28, 1933

You have submitted the following questions:

No. 1. Section 2, Chapter 172, Laws of 1931 provides in part: "It shall be the duty of every butcher to display his license in a conspicuous place in his market." Where a company owns several shops located in different towns in the same county, is there a provision under the laws of the state which would permit the county treasurer to issue duplicate licenses or copies of the original license?

No. 2. You have inquired whether or not a person killing cattle of his own breeding must secure a license in order to operate a butcher shop?

Answering your first question, this situation is covered by Section 2413, R. C. M. 1921, which provides in part: "separate licenses must be obtained for

each branch establishment or separate house of business located in the same county"; and Section 2418 which reads: "For each license issued, the county treasurer must collect a fee of one dollar, which must be paid into the general fund of the county."

While an attempt seems to have been made in Section 8, House Bill 162, Laws 1897 to repeal the latter section, the title did not enumerate the same and therefore it probably is still in force. The Supreme Court on one occasion declined to pass upon this question. (*State v. Courtney*, 27 Mont. 378, 387; 71 Pac. 308).

Answering your second question, paragraph 2 of Section 2 of said Act, provides that this section shall not apply to the slaughter of neat cattle of one's own breeding except in excess of twenty-five carcasses each year.

Although no license is required for the operation of a butcher shop where only twenty-five carcasses are slaughtered and sold in a meat market, it would seem that in most instances a license would be required as it is not likely that a shop can be operated successfully and continuously for a year if limited to the sale of twenty-five carcasses.