

License of Liquor Dealer—Petition to County Commissioners.

Under Chapter 71, Laws 1905, a liquor dealer must procure a petition and get an order from the board of county commissioners each time he applies for a license.

The word "township," as used in such law, refers to the political or judicial townships of the county, as established by the board of county commissioners, and not to the surveyors township.

Helena, Montana, August 29, 1905.

Hon. A. P. Stark, County Attorney, Livingston, Montana.

Dear Sir:—I am in receipt of your letter of the 24th instant, requesting opinion of this office respecting Senate Bill No. 32, Chapter 71, Laws 1905 (p. 154), the questions submitted being as follows:

"1. After a license has been issued the first time under an order of the Board of County Commissioners, as provided in Section 1, is it necessary to file a new petition and have a new order made for the renewal of the license."

In our opinion it is necessary for a person applying for a license to present his petition to the board of county commissioners and get an order from them to the county treasurer to issue the same each time a license is desired, as the law says that "before the county treasurer shall be permitted to issue such license petition shall first be filed and presented to the board of county commissioners of the county * * * and they shall, in their discretion, thereupon direct the county treasurer to issue such license, but not otherwise." There is no provision whatever made in the law for a renewal of the license, in such case, until this petition has been presented and the order therefor procured.

"2. An application is made for a license to conduct a business at a place located just outside the city limits. Are freeholders residing within the city authorized to sign the petition?"

As to your second question, this office has held heretofore that the "township" referred to in Section 1, of said Chapter 71, is the political or judicial township, as the word is used in Section 60, Code of Civil Procedure, or in subdivision 10 of Section 4218, and subdivision 2 of Section 4230, Political Code.

I herewith enclose you a copy of our former opinion upon this question.

Yours very truly,

ALBERT J. GALEN,

Attorney General.