

**Licenses, Retail Liquor Dealers in Places Where the Population  
is Less than One Hundred.**

Where licenses are procured by persons engaged in business in any place where the population is less than 100, the person seeking such license must first present a petition, signed by at least twenty freeholders, as provided in Senate Bill No. 32, approved March 3, 1905, to the board of county commissioners, who in their discretion, may direct the county treasurer to issue the license. This requirement must be followed by those who are

engaged in such business at such places prior to the passage of such law whenever their old license expires and they seek to renew it.

March 24, 1905.

Hon. J. F. Wegner, Chairman, Board of County Commissioners, Helena, Montana:

Dear Sir:—Your letter of the 22nd instant, requesting an opinion of this office as to whether a person who is engaged in the business of a retail liquor dealer in a city, town, village or camp where the population is less than 100 at the time Senate Bill No. 32 was approved by the governor on March 3, 1905, must upon the expiration of the license under which he was then doing business, present a petition to the board of county commissioners, signed by at least twenty freeholders residing within the particular city, town, village, camp or township in which such person is to engage in business, to hand.

You are advised that where any person so engaged in business had procured a license under the old law that he should be permitted to continue his business until the expiration of such license. However, when his old license has expired, if he wishes to continue in business and to procure a new license under which so to engage in business in the future, he must comply with the provisions of Senate Bill No. 32, as such bill provides that the county treasurer cannot issue a license to a person doing business in a place where the population is less than 100 until a petition has been presented to the county commissioners and they, in their discretion, have directed the county treasurer to so issue the license. There is no distinction between persons who were engaged in such business at the time the bill was approved and persons who engage in such business for the first time after such law went into effect. The issuance of any license for such business in such localities, after the approval of such law, must be issued under that law.

Respectfully yours,

ALBERT J. GALEN,

Attorney General.