

**Licenses, Transfer of Same—Limitations, on Negotiation and
Transfer Of.**

Under Chapter 82, Laws of 1905, there is no limitation upon the negotiation or transfer of licenses in the county where the same is issued, except a license issued to a person doing business in a city, town or camp or village of one class under said law cannot be used in a city, town, etc., of a higher class. It may be transferred to any person in the same city, town, etc., or to

any other person in any other city, town, etc., provided that the class of the town, city, etc., is of the same or a lower classification.

April 14, 1905.

F. H. Ray, Esq., Assistant State Examiner, Helena, Montana.

Dear Sir:—I am in receipt of your letter of the 25th ult., requesting opinion of this office upon the following question:

Section 4063, of the Political Code, as amended by House Bill No. 255, provides as follows: "That all licenses provided for in this act shall be negotiable and transferable in the city or county where the same are issued." Is there any limitation to this negotiation and transfer other than it shall be in the city or county where issued?

There is no limitation under said law (Chap. 82, Laws 1905) upon the negotiation or transfer of such a license in the county where same is issued. However, a license issued to a person doing business in a city, town, camp or village of one class under said law, cannot be used in a city, town, etc., of a higher class.

A license issued to a person conducting a saloon business in a particular city, town or village in the county, may be transferred before its expiration and used by such licensee's successor for the unexpired term thereof in such business at the same place for which it was issued, or it may be transferred and so used by another person in the same city, village, camp or town, or by a person conducting like business in a city, camp, town or village of the same or a lower class within the county.

Yours very truly,

ALBERT J. GALEN,

Attorney General.