

Licenses, Conducting Two Branches of Business Under One.

A person who has procured a butchers' license under section 4064 as amended, is not entitled under such license to sell groceries, which is a separate branch of business and requires a separate license.

Helena, Mont., Jan. 7th, 1907.

Hon. John J. Kerr,
County Attorney,
Glasgow, Mont.

Dear Sir:—

Your letter of January 5th, requesting opinion upon the following question, received:

“Should a man pay two licenses who pays license as a butcher and who also keeps for sale in his meat shop about all kinds of groceries; the groceries carried are tea, coffee, all kinds of fruits, both fresh and canned, molasses, syrups, cider, vinegar, cereals in packages, and other edibles.”

Section 4064 of the Political Code as amended by the laws of 1901, page 144, provides that

“Every person who at a fixed place of business sells any goods, wares and merchandise * * * and all butchers, must obtain from the county treasurer in which the business is transacted, and for each branch of such business, licenses, and pay quarterly therefor, etc.”

From the wording of this section it is perfectly clear that the legislature intended that a person who sells goods, wares and merchandise such as are mentioned in your question, and also engages in the butcher business, is engaged in two branches of business, and for each of said branches must procure a license in accordance with said section.

You are therefore advised that the person should be required to procure a butcher's license and also a license authorizing him to sell goods, wares and merchandise.

Very truly yours,

ALBERT J. GALEN,

Attorney General.