

**Saloon as Successor to Social Club. Liquor Dealer, Rights of
as Successor to Social Club.**

Where a person purchases the goods from a social club and takes out a saloon license, he cannot add the period of time such social club was conducting business to the time he conducts the business under the license in order to take advantage of the proviso contained in Sec. 8555, Revised Codes.

Helena, Mont, June 29, 1909.

Hon. Henry R. Melton,
County Attorney,
Dillon, Montana.

Dear Sir:

I am in receipt of your letter of June 26th, requesting an opinion upon the following proposition:

"A social club at a wayside hotel or stopping place in this county after the passage of chapter 57, laws of 1909, sold and assigned its stock of goods to B and P. B and P then made application, as individuals or as a firm, for a retail liquor license, which was issued to them. About sixty days thereafter, a railroad grade was started and a grading camp established within a few hundred feet of the saloon of B and P, whereupon the board of county commissioners proceeded to revoke the license. B and P contend that they were the assignees of the social club and therefore within the proviso contained in section 8555 of the revised codes, and could add the time that the social club was selling liquor to the time that they had been engaged in business for the purpose of showing that they had been engaged at such fixed place of business for six months prior to the establishment of the railroad grading camps."

In our opinion such contention is untenable. The fact that they

bought their supply of liquor from a social club which had been prohibited from doing business by the provisions of chapter 57, laws of 1909, puts them in no better position than if they had purchased their supply of liquor from some wholesale dealer, and they can only date the period in which they have been engaged in business from the time when they actually purchased the goods from the social club and actually engaged in the business as a firm. You will notice that the proviso contained in section 8555 reads as follows:

"That the provision of this act shall not apply to any person previously engaged in selling intoxicating liquors at a fixed place of business."

but does not apply to the business itself.

The right of the board of county commissioners to revoke the license under section 2762, revised codes, was fully discussed in the opinion given you a few days ago.

Very truly yours,
ALBERT J. GALEN,
Attorney General.