

License, Liquor Dealer. Liquors, License to Sell. Construction, License Law.

1. Sec. 2. Chap. 92, Laws of 1911, has application to the entire Chapter and is not limited in its provisions to section one of the act.

2. It is not necessary that salary warrants be signed by the chairman of the board of county commissioners.

Helena, Mont., July 12, 1911.

Mr. Howard C. Packer,
County Attorney,
Hamilton, Montana.

Dear Sir:

I am in receipt of your letter of July 10th submitting the question:

1. As to whether Sec. 2, Chap. 92, Laws of 1911 has application only to first section of act or do its provisions apply to the entire chapter.

2. As to whether it is necessary that salary warrants be signed by the chairman of the board of county commissioners.

Sec. 2, Chap. 92, Laws of 1911, limiting the number of licenses which may be issued for the sale of intoxicating liquors is general in its terms and provides that "this act * * *" shall not effect persons who then hold licenses for the sale of liquors. The provisions of this section being general and not limited to any particular section of the act must be construed as applying to the entire act. The law as you have discovered is rather peculiar in its provisions but in some respects is not very dissimilar to the ordinance considered by the Supreme court in *City of Billings, vs. Cook et al.*, 35 Mont. 95. However, we cannot change the positive terms of the law and must therefore hold that said section 2 relates to the entire act and is not confined in its provisions to section one of the act.

This office has heretofore decided that it is not necessary that salary warrants be signed by the chairman of the board of county commissioners. Opinions Attorney General 1905-06, page 323.

Yours very truly,

ALBERT J. GALEN,

Attorney General.