

License, Brewer, Manufacturer. Liquor License, to Brewer and Manufacturer. Manufacturer and Brewer's License, to Sell Liquor. Branch Office, License to Sell Liquor. Registration, Numbering of Cards of Electors. County Clerk, Duty of in Numbering Registration Cards. New Counties, Electors Registered in How.

Section 2770, Revised Codes, provides for a brewer or manufacturer's license, and a separate license must be obtained for each branch office maintained at which liquor is sold.

In new counties composed of two or more old counties, the county clerk may renumber the registration cards of electors coming from portions of the old county, so as to comply with the provision requiring consecutive registration.

October 6, 1915.

Hon. William C. Armstrong,
County Attorney,
Terry, Montana.

Dear Sir:

I am in receipt of your letter of the 23rd ultimo, submitting the questions:

1. "Does a brewery having a distributing storage selling to the trade in original packages in quantities of more than four gallons, need a county license?"

2. "What method should be pursued by county clerk in numbering registry cards of electors who were formerly registered in the parts of the old county or counties forming the new county?"

1. Section 2770, Revised Codes, provides for a brewer's or manufacturer's license. This office has heretofore held that a separate license is required for each distributing place, but that where the company merely has a supply station or warehouse at some point, and receives no orders for supplies at that point, and merely fills orders received at headquarters, that the same would not constitute a branch establishment, and would not then be subject to a license.

See Opinions Attorney General, 1910-12, p. 242.

2. Section 11, Chapter 22 of the Laws of 1915, provides with reference to registry cards:

"Registry cards shall be numbered consecutively in the order of their receipt in the office of the county clerk, provided, however, that electors who are registered upon the registry books in use in any county prior to the passage and approval of this law, shall retain upon their registry cards the same number as they have severally had upon such books, etc."

This chapter has reference to the registration of electors, not to the creation of new counties. Hence, it deals with the registration of electors in the several counties, rather than with the registration of electors in a new county composed of two or more old counties, and by its terms it merely continues in existence the registration that was made in the county prior to the time of the enactment of this chapter, and that the registration made subsequent to the enactment of the chapter should be "numbered consecutively." The provision relative to consecutive numbering and the provision relative to retention of numbers coming from the parts of various other counties now forming the new county, cannot both be complied with. For instance, in Prairie County, an elector might have the number 500, as appears on the transcribed records coming from Custer County; another elector have the same number on the records transcribed from Dawson County, and another have the same number on the records transcribed from Fallon County, and in the meantime, someone may have registered in Prairie County, and been given the same number. Here then you would have the same number duplicated four times. The very law of necessity would require that three of these numbers be changed. I am, therefore, of the opinion that where a new county is created from parts of two or more old counties, the county clerk upon receipt of the transcribed records of the old counties, may renumber the registry cards, so as to make them comply with the first provision, that is: "Registry cards shall be numbered consecutively in the order of their receipt at the office of the county clerk." It seems to me that any other conclusion would produce confusion.

I enclose herewith a copy of the opinion referred to in your letter.

Yours very truly,

J. B. POINDEXTER,

Attorney General.