

Opinion No. 150.

Livestock Commission — License and Bond.

HELD: A livestock commission company licensed and bonded under Chapter 52, Laws of 1937, to operate a livestock market at one place, may not by reason of the same license and bond operate a market at any other place.

September 2, 1937.

Mr. Paul Raftery
Secretary, Montana Livestock Commission
The Capitol

Dear Mr. Raftery:

You have submitted the question whether a livestock commission company, which is licensed and bonded

under the provisions of Chapter 52, Laws of 1937, to operate a livestock market at Billings, Montana, may also, by reason of the same license and bond, operate a livestock market at Miles City.

Throughout said Chapter 52, the term "a livestock market" is used. In section 2 the term "livestock market" is defined as "a place where a person, partnership or corporation shall assemble livestock for either private or public sale." Section 3 provides: "After May 1, 1937, no person shall engage in the operation of a livestock market within the State of Montana without first procuring a license from the livestock commission, and paying therefor a fee of one hundred dollars (\$100.00)." Section 4 reads: "No license or renewal of license to establish and operate a livestock market within the State of Montana shall be issued until the applicant shall have executed to the State of Montana, a bond in the penal sum of ten thousand dollars (\$10,000.00), * * *."

In no place in the Act does it appear that the licensee, upon payment of the license fee, and upon furnishing of bond, may operate livestock markets at different places. Rather, it is apparent that the license and bond cover the right to operate one market at one place.

It is my opinion therefore that the question submitted should be answered in the negative.