

**License, Saloon on Pleasure Boat.**

A saloon on a boat comes under the latter part of Section 4063, Political Code, as amended by Chapter 82, Laws of 1905, wherein it provides "or elsewhere not provided for in this section." The license is \$165.00 semi-annually. Liquor can only be sold to passengers on the boat. If the boat ties up at any town where a higher license is required, or where a petition for a license must

be presented to the board of county commissioners, no liquor can be sold to the inhabitants of such town or place without paying the higher license or procuring such petition.

Helena, Montana, June 20, 1905.

J. A. Matthews, Esq., County Attorney, Townsend, Montana.

Dear Sir: Your letter of the 13th instant to hand, in which you request an opinion as to what is necessary to be done by a party who intends to run a pleasure steamboat on the Missouri river from Townsend to Three Forks in order to procure a license authorizing him to open and maintain a bar on board such boat.

The latter part of Section 4063, Political Code, as amended by Chapter 82, Laws of 1905, provides that persons who sell or offer for sale, directly or indirectly, any spirituous or fermented liquors or wines in all cities, towns, villages or camps which contain a population under three hundred, or elsewhere not provided for in this section, must obtain a license from the county treasurer and pay \$165 semi-annually. Chapter 71, laws of 1905, provides that persons selling spirituous and fermented liquors, etc., in cities, towns, villages or camps where the population is less than one hundred must obtain a license from the county treasurer, but before such license can be issued by the county treasurer a petition must be filed with the board of county commissioners, signed by at least twenty freeholders residing within the particular city, town, village, camp or township in which the person seeking the license intends to engage in business, and the board of county commissioners must authorize the issuance of such license. It would seem from the reading of these two chapters that a boat running to and fro between certain points upon a navigable river would come under the clause "elsewhere not provided for in this section," as used in said section 4063, and that the parties would have to pay \$165 semi-annually for such licenses. It would not be necessary for them to petition the board of county commissioners to procure such a license. However, such parties in order to procure such license under the last classification of said Section 4063 should satisfy the county treasurer that they are going to open a bar only for the passengers on their boat used on the river between the points named. They should not be permitted to procure a license without first obtaining authority from the board of county commissioners, and then tie up their boat at or near some city, town, village or camp where the population is less than one hundred, so that there would be an easy access to and from such boat by the inhabitants of such town, village or camp and thus evade the provisions of said Chapter 71; nor should they be permitted to tie up their boat at or near a city, town, village or camp containing a population of three hundred or more without paying the amount of license required to be paid in town, villages, etc., of such class. In other words, if they should attempt to tie up and make their boat a resort for the inhabitants of a city, town, etc., with a population of less than one hundred they would come under the provisions of said Chapter 71, or if they attempted to tie up and make it a resort for the inhabitants of a city, town, etc., with a population of three

hundred or more they would have to procure a license from the county treasurer which is required by law of other saloons in such city, town, village or camp.

Yours very truly,

ALBERT J. GALEN,

Attorney General.