

Licenses, Liquor. Women, Issued To.

Women who engage in the sale of intoxicating liquors should be required to pay licenses, the same as any other person, as no distinctions are made, and no prohibition against their engaging in such business.

Helena, Mont., August 31, 1906.

Hon. Roy E. Ayers, County Attorney, Lewistown, Mont.

Dear Sir—Your letter of August 10th, requesting opinion of this office upon the following question, received:

Should the County Treasurer collect licenses from women who engage in the sale of spirituous, malt, or fermented liquors or wines?

Section 4043, Political Code, provides that:

"A license must be procured immediately before the commencement of any business or occupation liable to a license tax from the County Treasurer of the county where the applicant desires to transact the same," etc.

Section 4063 of the same Code, as amended by Chap. 82, Laws of 1905, provides that:

"Every person who sells spirituous, malt or fermented liquors or wine, in less quantities than one quart, must obtain license from the County Treasurer, as described in this chapter, and make therefor the following payments," etc.

These sections make no exception for women who engage in such business. The first section quoted provides that a license must be procured before the commencement of any business liable to a license, and the second section provides that "every person" who sells liquors of any kind must obtain a license from the County Treasurer.

There is no law prohibiting women from engaging in the business of selling liquor; therefore, if they do engage in such business, they should be compelled to pay the license the same as any other person.

The fact that the County Treasurer may suspect, or have reason to believe, that the women to whom he issues the licenses may sell liquor in some place frequented by other females, so as to constitute a violation of Section 537 of the Penal Code, would make no difference in the issuance of the licenses. Under the law, a woman has no right to engage in the sale of liquors without first procuring a license. If she then violates another law by permitting women to frequent the place in which she engages in such business, that is altogether a different question and has nothing to do with the issuance of the license for the sale of liquor.

Very Truly Yours,

ALBERT J. GALEN,

Attorney General.