

Liquor License. Wholesale Liquor License.

No person is permitted to sell liquor without first having obtained a license therefor. The so called wholesale license relates only to the sale of malt liquors in quantities of more than four gallons and has no relation to the sale of other liquors or to the sale of any liquors in quantities of less than four gallons.

August 17, 1911.

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

Dear Sir.

I am in receipt of your letter of the 12th inst., inquiring whether there is any statute requiring a person who sells liquor in quantities of one quart or over to pay a liquor license. In reply I will say that Sec. 2759, Revised Codes, provides that "Every person who sells or offers for sale, directly or indirectly, any spirituous, malt, vinous, distilled or fermented liquors or wines, must obtain a license therefor from the county treasurer * * *" This section does not limit the license to those who sell in quantities of less than one quart, or otherwise. Section 2770 provides for a brewer or manufacturer's license where malt liquors are manufactured and sold in quantities of more than four gallons. It will be seen, therefore, that a person who sells liquors, no matter in what quantities, must first obtain a license. Section 2760 has reference to obtaining a license to sell liquor in less quantities than one quart in cities, towns, villages or camps, where the population is less than 100, but nowhere in the law is a person authorized or could he be permitted to sell liquor without first obtaining a license. Of course, if a person obtained a license and engaged in the business of

retailing liquor in quantities of one quart or more in cities, towns, villages, or camps, where the population is less than 100, he would not be guilty of a violation of Secs. 2760,-1,-2, so long as he did not sell in less quantities than one quart.

Yours very truly,

ALBERT J. GALEN,

Attorney General.