

Liquor License, in Towns or Villages. Liquor License, Number of, to Individuals, Etc. Towns or Villages. Liquor License in.

The law limiting the number of saloon licenses to one to five hundred inhabitants does not prohibit the issuance of such license to a single person, firm or corporation.

August 20th, 1913.

Hon. A. H. McConnell,
County Attorney,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your communication of the 14th inst., submitting the following question:

"Was it the intention of the legislature in passing Sec. 1 of Chap. 35 of the Laws of 1913 to prohibit one individual or firm from holding more than one liquor license in towns or villages?"

To say the least, the language of this act is not very definite in regard to the question submitted by you. The solution of this question is a case where resort must be had not only to the language of the act, but to the title thereof to determine the intent of the legislature. The title of the act in no way indicates that the legislature intended to limit the number of licenses to be held by a single person or firm to one. Sec. 2 of the act distinctly recognizes the right of a holder of a saloon license to transfer the same, a right which is recognized in other places in our law.

I am, therefore, of the opinion that the sole intent of the legislature in putting in the provision limiting the number of saloon licenses to one to every five hundred inhabitants was only for the purpose of so limiting it, and that the law as it stands does not prohibit the issuance of such licenses to a single person, firm or corporation.

Yours very truly,

D. M. KELLY,
Attorney General.