

Retail Liquor License, Limit of. Liquor Licenses, Number of. Licenses, Number of Liquor in Town.

The provisions of Sec. 1, Chap. 35, Laws of 1913, is a limitation upon the number of liquor licenses which may be issued, and it is immaterial whether they are all issued to one person or to more than one person. The limitation is to the number of licenses, not to the number of dealers.

March 6th, 1914.

Hon. H. S. McGinley,
County Attorney,
Fort Benton, Montana.

Dear Sir:

I am in receipt of your verbal inquiry of this date, calling for a construction of Sec. 1, Chap. 35, Laws of 1913:

“As to the number of retail liquor licenses which may be issued in a city or town within the meaning of that section.”

The section distinctly states that it shall be unlawful for any county or city to issue more than one license for every five hundred inhabitants in any city or town “to any retail liquor dealer.” This limitation is clearly to the number of licenses which may be issued, and under its provisions only one license may be issued for every five hundred inhabitants. Under this section two licenses may be issued, subject to Sec. B, in every town without regard to population. That is, in a city or town having less than one thousand inhabitants it is lawful to issue two licenses, but if the city or town has one thousand inhabitants, only two can be issued; and if it has fifteen hundred inhabitants, only three licenses can be issued. In other words, the limitation is to the number of licenses which may be issued without any regard whatsoever to the number of dealers.

Yours very truly,

D. M. KELLY,
Attorney General.