

**Liquor License, to Clubs. License, to Clubs Dispensing Liquor. Clubs, Selling Liquor, to Have License.**

Under Chapter 57, Laws 1909, no club in any unincorporated place having a population of less than three hundred, has the right to sell or dispense intoxicating liquors, without first obtaining a license therefor.

June 10, 1914.

Hon. Charles J. Marshall,  
County Attorney,  
Lewistown, Montana.

Dear Sir:

I am in receipt of your letter of the 6th instant, submitting the question:

“Whether a club may dispense liquors to its members without first having obtained a liquor license.”

Chapter 57, Laws 1909, cited by you, seems to be conclusive of this question. It is emphatically stated therein that no such club

“shall be permitted to sell or dispense intoxicating liquors to its members \* \* \*, without first procuring a liquor dealer’s license.”

In the recent case decided by the Supreme Court, entitled *State ex rel Frost, v. L. R. Barrett, County Treasurer*, the court held that the only liquor license known to the law of this state, aside from the whole-sale, malt liquor license, mentioned in Section 2770, R. C., is that referred to in Section 2759, Revised Codes, and that the phrase “in less

quantities than one quart," as used in Chapter 35, Laws 1913, is practically meaningless, and that a person holding a license may sell in any quantities whatsoever, and furthermore, that anyone desiring to obtain a license in places under the jurisdiction of the county commissioners, must first obtain the permission of such commissioners.

You are advised that the club to which you refer, or any club in county districts, before dispensing intoxicating liquors, must obtain a liquor dealer's license.

Yours very truly,

D. M. KELLY,  
Attorney General.