

Saloons, Sunday Closing of. Liquors, Regulation of Sale of on Sunday. Sunday Closing, of Saloons.

Under the provisions of Senate Bill No. 63, passed by the Fourteenth Legislative Assembly, saloons are required to close in all places in Montana at ten o'clock P. M. on Saturday, except within one mile of the corporate limits of cities of the first class, and remain closed until one o'clock P. M. of the Sunday following. Within the excepted area, saloons need not close until twelve P. M.

March 27, 1915.

Hon. H. F. Miller,
County Attorney,
Fort Benton, Montana.

Dear Sir:

I am in receipt of your communication under date the 25th instant, calling my attention to an apparent inconsistency or ambiguity in Section 2 of Senate Bill No. 63, passed by the recent legislative assembly. The purpose of this Act, as disclosed by its title, was:

"An Act fixing the time for the opening and closing of saloons on Sundays in incorporated and unincorporated cities, villages, towns and elsewhere, and providing penalties."

Section I requires the closing of saloons in incorporated cities, towns or villages, or within one mile of the limits of cities of the first class at twelve o'clock midnight on Saturdays, and prohibits their being opened before one o'clock p. m. of the following Sunday. Apparently this was intended to cover the subject of incorporated municipalities.

Section 2 of this same Act makes it unlawful to keep saloons open between ten p. m. of Saturday night and one p. m. Sunday in any incorporated city, town or village or *elsewhere*, except within one mile of the limits of a city of the first class. Whatever speculations we may indulge in as to the real intent of the legislature, we are nevertheless confronted with the language as it appears in the enrolled bill, and under the canons of construction laid down in our codes, and supported by numerous decisions of our Supreme court, must give effect

if possible to all of the language used by the legislature, unless to do so would make the law in question so inconsistent or ambiguous as to make it a nullity. The language of Section 2 can be construed without doing violence to any of these canons of construction. It is to be noted that the Act says:

"It shall be unlawful for any person or persons, firm or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass or drink, in any incorporated city, town or village or elsewhere, except within one mile of the limits of any city of the first class."

The result of the language used in the second section of this Act is that in all places, incorporated cities, towns and villages and elsewhere, except within one mile of the limits of cities of the first class, saloons must close at 10 p. m., Saturday night, and remain closed until one p. m. of the following Sunday. Within one mile of the limits of cities of the first class, they may remain open until twelve o'clock midnight on Saturday night, and must be closed from then until one o'clock p. m. of the following Sunday.

Yours very truly,

D. M. KELLY,

Attorney General.