

**Saloons, Number of in Towns. Hotels, Saloon Licenses for in Cities and Towns.**

Where an unincorporated town has its full quota of saloons under House Bill No. 291, of the Fourteenth Legislative Assembly, hotels having more than twenty rooms are not entitled to a license.

April 15, 1915.

Hon. Charles A. Ross,  
County Commissioner,  
Malta, Montana.

Dear Sir:

I am in receipt of your communication under date the 8th instant, asking me to advise you:

"If there is any law whereby a hotel of twenty or more rooms in an unincorporated town can be issued a saloon license when the town already has its full number of saloons?"

The only legislation upon this subject is House Bill No. 291, passed by the recent session of the legislature. This is an Act amendatory of Chapter 35 of the Session Laws of the Thirteenth Legislative Assembly. The first section thereof makes it unlawful for any county or city to issue more than one license for every five hundred inhabitants in any city, town, village, camp or settlement, whether incorporated, or unincorporated. Section 2 is a prohibition against issuing a saloon license in any place having a population of less than fifty inhabitants who are bona fide residents for at least six months within a radius of one quarter mile of the location of the license. An exception to this prohibition is made of hotels regularly operated as such having twenty or more sleeping rooms.

The first section of the law is a limitation upon the number of saloons in any community, and makes such number proportional to the population. The second section is a prohibitory measure. Therefore, in all places where saloons may be allowed at all, that is, in places having more than fifty bona fide residents within one quarter mile of the place where the business is carried on, the rule laid down in the first section would apply, and hotels would be subject to the same limi-

tations as any other place selling liquors, since the exception made in the second section of the Act could apply only to such communities as are covered by that section.

Your question must be answered in the negative.

Yours very truly,

D. M. KELLY,

Attorney General.