

**Saloons, Closing of on Sunday. Sunday, What Included in Saloon Closing Law.**

Since Senate Bill No. 63 is a special enactment applying to a specified period during the week, the terms of that law must be held to amend Senate Bill No. 62, wherever inconsistent, and Senate Bill No. 63 is not bad because its title does not prescribe the exact time when saloons shall be closed.

April 17, 1915.

Hon. Roy S. Stephenson,  
County Attorney,  
Dillon, Montana.

Dear Sir:

I have your communication under date the 15th instant, questioning my recent interpretation of the Sunday Closing Law, known as Senate Bill No. 63. Your argument is that in as much as the title discloses the bill to be:

"An Act fixing the time for the opening and closing of saloons on Sundays \* \* \*"

that the portion of it requiring saloons to close at ten p. m. on Saturday nights is ineffective, since Sunday does not begin until twelve p. m. Saturday night.

I am not impressed with this argument. First, as pointed out in my letter, Senate Bill No. 63 is a later enactment than Senate Bill 62, and must be held to amend Senate Bill 62 wherever inconsistent therewith.

U. S. vs. 196 Buffalo Robes, 1 Mont. 489.

Second, Senate Bill 62 was intended to be, and is a general law upon the subject of saloon closing; Senate Bill 63 is a special enactment applying to a specified period during the week. Special provisions in legislation upon a subject govern general ones.

Stadler vs. City of Helena, 46 Mont. 128.

Third, it is not necessary that the title to an Act shall embody the exact limitations or qualifications contained in the Bill itself which are germane to the purpose of the legislature, if the general subject of the measure is clearly expressed in the title.

State vs. A. C. M. Co., 23 Mont. 498.

Further than this if we adopt the theory advanced by your letter, Section 2 of Senate Bill 63, becomes a nullity, because it would do away altogether with the distinction apparently intended to be made between cities of the first class, including the region within one mile thereof and other places. For, if we say that Sunday means the period only from 12 midnight to 12 midnight, it must apply to "incorporated towns and elsewhere." The term "elsewhere" includes unincorporated places, camps and cross roads, and construing Sunday as beginning at 12 midnight would put them on a par in the matter of closing with cities of the first class. We may not disregard the language of the legislature in this manner, but must at all times give effect to all of the language of the legislature if possible.

State ex rel A. C. M. Co. v. Court, 26 Mont. 396;  
Stadler vs. City of Helena, supra.

For these reasons, I think the construction of the language suggested by you cannot be adopted.

Yours very truly,

D. M. KELLY,

Attorney General.