

Local Option, Petition for. Statute, Construction of. Petition, Local Option Sufficiency of. Liquor, Petition for Local Option.

Sufficiency of petition under Section 2041, Revised Codes. relating to local option, construed.

April 29, 1915.

Hon. Herbert H. Hoar,
County Attorney,
Sidney, Montana.

Dear Sir:

I am in receipt of your letter of the 17th instant, submitting for consideration form of petition for local option in that county. The question submitted appears to be whether there should be a connective or a comma between the word "spirituous" and the word "malt." The language of the statute, Section 2041, Revised Codes is "spirituous or malt liquors, wines or cider, or any intoxicating liquors or drinks." Just what effect the omission of the connective "or" would have, of course, would rest with the judgment of the court. It seems, however, that the words "spirituous," "malt," "wines" and "cider," are all included within the general term "intoxicating liquors or drinks." It would seem to me rather technical to hold that an ordinance adopted by a general vote of the people was void by reason of such an omission. Of course, it would be safer if the language of the statute was followed strictly, for it is possible to give it the construction that it only relates to malt liquors, wines and ciders.

However, I am wholly unable to say just what construction the court would place upon this language, except to give it as my judgment that it would be somewhat technical to construe the language as meaning only malt liquors.

Yours very truly,

D. M. KELLY,

Attorney General.