

**Intoxicating Liquors—Furnishing Intoxicants to Friends  
in a Private House in Local Option Territory—Statutes, Sec-  
tion 2047 Rev. Codes Construed.**

Under Section 2047, Revised Codes, the giving or furnish-  
ing of intoxicating liquor gratuitously and without any evi-  
dence of evasion or subterfuge is a public offense.

February 3, 1917.

Hon. Carl L. Brattin,  
County Attorney,  
Sidney, Montana.

Dear Sir:

I have your letter of January 13th, in which you submit the following question relative to conditions in Richland County, in which county prohibition by local option is now in force:

"Under Section 2047, Revised Codes, is the giving or furnishing of liquor gratuitously and without any evidence of evasion or subterfuge a public offense?"

Section 2041 of the Revised Codes provides that upon petition signed by one third of the qualified electors in any county in the state, the board of county commissioners must order an election, "to determine whether or not any spiritous or malt liquors, wine, or cider, or any intoxicating liquors or drinks may be sold within the limits of the county."

Section 2047 provides:

"If a majority of the voters at the election are, 'Sale of intoxicating liquors, No,' it shall not be lawful for any person within the county in which the vote was taken, to sell, either directly or indirectly, or give away, to induce trade at any place of business, or furnish to any person any alcoholic, spiritous, malt, or intoxicating liquors."

These sections must be considered together and interpreted according to the most natural and obvious import of their language, without resorting to subtle or forced constructions, for the purpose of either limiting or extending their operation.

According to the express terms of these sections, and the policy the Legislature seemed to have in view, there is no escape from the conclusion that the giving or furnishing of liquors gratuitously and without any evidence of evasion or subterfuge is within the contemplation of the law.

If an exception of this character is to be made; if a person may, upon the plea that the liquor was furnished to friends, invited to his house and there entertained them by the offer of intoxicating drinks, with impunity, other persons, without home, cannot be denied a like privilege to indulge their friends in like manner in their rooms, at hotels or other places of festive resort. Where is there to be a limit? Would not such a construction of these sections render the law in a great measure a nullity?

Such a construction would throw open the door to the bootlegger and in fact would be an invitation to seek local territory to carry on his nefarious business.

It is obvious that the Legislature was apprehensive of the necessity of such a law, foreseeing that there would be consistent and persistent efforts to evade it, under one pretext or another; and therefore

has provided, by apt terms, against the use of intoxicating liquor in the manner set forth in your query.

It follows that the question must be answered in the affirmative.

Respectfully,

S. C. FORD,

Attorney General.