

thorized by this Act." (Chapter 105, Laws of 1933.)

The language of the statute is plain and certain, and we have been unable to find in the Act any exception which would permit wholesale druggists to ship liquor into this state even though such wholesale druggists are willing to submit themselves to the strict surveillance of the Board.

#### Opinion No. 420

#### Liquor Control Act—Druggists— Wholesaling Medicinal Liquor to Retail Druggists of Other States.

HELD: The Montana Liquor Control Board does not have authority, under the Liquor Control Act of Montana, to authorize a wholesale drug company, doing business in this state, to purchase from a distillery and to keep on hand in a warehouse in this state supplies of liquor to be sold in other states in conformity with the laws thereof.

January 17, 1934.

We have been asked if the Montana Liquor Control Board may authorize a wholesale drug company doing business in this state to purchase from a distillery and to keep on hand in a warehouse in this state supplies of liquor to be sold in adjoining states in conformity with the laws thereof.

It is stated that several wholesale companies have warehouses in this state from which they furnish supplies, formerly including medicinal liquor, to retail druggists in Wyoming, Idaho, etc., and that they desire to continue that practice.

As convenient and harmless as such an arrangement may be, we do not think that the Board has the authority to sanction it. Section 45 (3) of the State Liquor Control Act of Montana provides: "(3) No person shall have or keep any liquor within the state which has not been purchased from a state vendor of the Montana Liquor Control Board or from a druggist authorized to sell the same, save and except beer purchased from a brewer licensed to sell the same under the provisions of this Act. This subsection shall not apply to the Board or to the keeping or having a liquor by brewers, distillers and other persons duly licensed by the United States, for the manufacture of such liquor; nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is au-