

IN RE: SALE OF BEER: PERMIT REQUIRED TO SELL BEER, FROM WHOM?

4.4
June 31, 1933.



Hon. Leo Politte
Prosecuting Attorney
Franklin County
Union, Missouri

Dear Mr. Politte:

Your recent request for an opinion from this office is in words and figures as follows:

"Numerous requests have been made to my office concerning some arrangements whereby beer may be sold in parks and places where picnics are given, as well as on church grounds where affairs to obtain revenue for charitable purposes are given.

"I am leaving herewith one of the requests received from a city clerk. I am unable to answer these questions or ascertain any means whereby beer may be sold without buying the ordinary permit. Please inform me if there is any special arrangement made to cover these requests."

As referred to in your letter, the following state of facts, as presented by the City Clerk of Gerald, was also submitted with your request:

"The Town (Gerald) is giving a picnic on July 1st. They contemplate selling Beer and want to know if they can obtain License for one day. And can same be issued to Town Board or to

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some individual and the cost for one day.

"Can any one already having a permit move his place of business for the day."

It is the opinion of this office that, under the recent Beer Law, one who sells beer on the premises must have a license whether the beer be sold in "Parks", "Picnic Grounds", "Church Grounds", and in fact wherever it be sold in the State of Missouri.

As to the request of the City Clerk, submitted with your letter, the town of Gerald selling Beer is not excepted within the meaning of the law. As to the right of one, having a permit, moving his place of business for the day, it is the opinion of this office that this cannot be done within the meaning of the law; nor is it possible, within the meaning of the law, to grant a permit for one day as the law specifies that the permits are for one year and no provision is made for any term less than one year.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General.