

**Opinion No. 14-1340**

September 25, 1914

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mrs. Celia Ben Bibo, Bibo, New Mexico.

**DANCES.**

As to the serving of intoxicating liquors at a public dance.

**OPINION**

{\*201} I have just received your letter of the 24th instant asking whether an individual giving a public dance in a town which has voted itself dry, may serve intoxicating liquors, providing he gives them free. Both statutes on this subject, which are found in Chapters 75 and 78 of the Laws of 1913, prohibit, within the limits of the town or district which voted dry "the barter, sale or exchange of intoxicating liquors." I am unable to see that the giving away of liquor can be considered as either barter, sale or exchange thereof. At the same time, the giving away of liquor may be a little device to evade the law. If, for instance, the individual giving the dance should charge a fee for admission to the dance, or for the privilege of dancing each time that one of the patrons would dance, and give a drink free, it might be held that the charge for the privilege of dancing was intended to cover that, and the liquor also, and no court would tolerate any such trick by which the law would be evaded.