

Opinion No. 16-1770

March 29, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Mallet Brothers, Bernalillo, New Mexico.

Wine maker may sell in quantities of not less than five gallons without a license.

OPINION

{*341} I have just received your letter of yesterday asking me to inform you as to what a liquor license would cost to enable you to sell your own wines, by the glass or jug. You say you produce your own wines, and that being so, the law permits you to sell them without any license at all, but in quantities of not less than five gallons, as you will see by reference to Section 2886 of the new Codification of the statutes, a copy of which you can see in the office of your justice of the peace or in the office of the county clerk. You cannot sell them by the glass or in less quantities than five gallons except upon payment of the ordinary liquor dealer's license, the amount of which is fixed in Section 2876. The licenses are {*342} graduated according to the population of the precinct. If the precinct has not more than five hundred inhabitants, the license is \$ 100.00; if it has over five hundred and not more than one thousand inhabitants, the license costs \$ 200.00, and in a precinct having more than one thousand inhabitants, \$ 400.00.

In those places where there have been local option elections, and the result of the election has been against selling liquor, then one cannot sell liquor in those districts, either with or without a license.