

**Opinion No. 18-2128**

September 9, 1918

**BY:** C. A. HATCH, Assistant Attorney General

**TO:** Hon. John Morrow, Raton, New Mexico.

Shipment, Outside of State, of Liquor on Hand After October 1, 1918, Not Prohibited.

**OPINION**

We have your favor of the 6th wherein you ask whether dealers in intoxicating liquors, wholesale and retail, who have within the state of New Mexico, on Oct. 1st a stock of liquors, and who desire to ship the same for sale outside the state, would be permitted to sell and ship such liquors to some point outside the state of New Mexico, not going in any case into dry territory.

The prohibition amendment to the Constitution, adopted by the people of the state at an election held last November, provides that the manufacture, sale, barter or gift of any liquors of whatsoever kind containing alcohol, and the importation into the state of any such liquors or beverages for sale, barter or gift shall be prohibited from and after the first day of October.

In view of the fact that this law does not prohibit the shipment of liquors, you are advised that in the opinion of this office dealers in intoxicating liquors could lawfully ship any goods remaining on hand after October 1st into some other state. This does not pretend to construe the federal law which I understand absolutely prohibits the shipment of intoxicating liquors into dry territory. Neither does it mean that a person would be allowed to sell the liquors and ship them out of the state. I think the sale would be a violation of the law, as the amendment absolutely prohibits the sale of liquors either at wholesale or retail, and I do not think that a sale made to some person outside the state would make it any the less an offense under the law which becomes effective October 1st this year.