

clude the exercise of any purpose for profit and which corporation has acted solely as a corporation not for profit, its articles may be amended and may set forth that it is, in fact, a corporation not for profit.

When such an amendment is sought to be made, the amendment should also provide for the elimination of all provisions in the articles relating to capital stock and the issuance of shares of the corporation, and all outstanding shares should first be surrendered to the company and cancelled.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*

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1898.

APPROVAL, PETITION TO AMEND ARTICLE XV OF THE CONSTITUTION OF OHIO.

COLUMBUS, OHIO, November 22, 1933.

HON. CHARLES H. HUBBELL, *Cleveland, Ohio.*

DEAR SIR:—You have submitted for my examination a written petition signed by one hundred qualified electors of this state, containing a measure to be referred and a summary of the same, under the provisions of Section 4785-175, General Code.

It is proposed to amend Article XV of the Constitution of Ohio by adopting a new section to be known as section 9 and to read as follows:

“It shall be lawful to sell or to offer for sale intoxicating liquor, or to keep, maintain or operate a hotel, inn, tavern, house, room or place where intoxicating liquor is sold or offered for sale, provided that, within the preceding twelve months, the judge of the probate court, in his sole and absolute discretion, shall have granted a license therefor and provided such license shall not have been revoked or cancelled.

It shall be unlawful to sell or to offer for sale any intoxicating liquor, or to keep, maintain or operate any hotel, inn, tavern, house, room or place where any intoxicating liquor is sold or offered for sale, unless, within the preceding twelve months, the judge of the probate court, in his sole and absolute discretion, shall have granted a license therefor and unless such license shall be unrevoked and uncancelled; excepting that no license shall be required by the seller for the sale of intoxicating liquor at wholesale to any buyer to whom a license shall have been granted or transferred, provided the license of said buyer shall not have expired or been revoked or cancelled.

Excepting as hereinafter in this section provided, no license shall be granted or transferred to any person other than a citizen of the United States of temperate habits and good moral character.

No license shall be granted or transferred to any person who holds any public office, and any license shall immediately become void and be revoked and cancelled if the person to whom it is granted or transferred

shall become a candidate for any public office either at a general, municipal, special or primary election.

No license shall be granted or transferred to any person who has previously been convicted of any felony, and any license shall immediately become void and be revoked and cancelled if the person to whom it is granted or transferred shall be convicted of any felony.

No license shall be granted or transferred to any corporation, partnership or other person who is the owner, lessee, manager or keeper of any theater or other place of amusement or entertainment, and no license shall be granted for any hotel, inn, tavern, house, room or place which is a theater or other place of amusement or entertainment or which has passage or connection to or with any theater or other place of amusement or entertainment.

The judge of the probate court, in his sole and absolute discretion, may, at any time, declare, as to all or any part of the county, such restrictions, in the way of local option or otherwise, as he may see fit, or, in addition to the restrictions set forth herein, impose on any one or more licensees, as a condition precedent to the receiving or retaining of a license, such further restrictions or regulations as he may see fit. The judge of the probate court, in his sole and absolute discretion, may at any time, revoke or cancel any license.

A license may be granted or transferred to and retained by any corporation or partnership, provided none of the directors or officers of said corporation or none of the partners in said partnership shall be or become personally ineligible for a license, but not otherwise.

With the approval of the judge of the probate court, the license of any deceased licensee may be assigned or transferred to his executor or administrator, who may thereafter exercise all the rights and privileges of the deceased licensee. With the approval of the judge of the probate court, the license of any other licensee may be assigned or transferred, and the assignee or transferee may thereafter exercise all the rights and privileges of the assignor or transferror. The rights and privileges of such executors, administrators, assignees and transferees shall terminate upon the expiration of the license granted to the original licensee, and such executors, administrators, assignees and transferees shall always be subject to the same conditions, restrictions and regulations as original licensees or such other conditions, restrictions and regulations as may be imposed upon them by the judge of the probate court.

No license shall be granted for more than twelve months from a date fixed by rule or standing order of the probate court. The judge of the probate court shall fix by rule or standing order a time at which a hearing shall be held on applications for licenses. At the time fixed for said hearing all persons making application for licenses and all persons objecting thereto may be heard in person or by petition, remonstrance or counsel.

No license shall be granted to any corporation, partnership or other person, unless, at least sixty days before the time fixed for said hearing, he shall file in the probate court his application therefor and shall pay to the clerk of said court such amount of money as may be required to cover the costs and expenses in connection with said hearing; excepting that a license may be granted to the executor or administrator of a deceased applicant.

The clerk of the probate court shall, at the expense of the applicants, cause to be published three times in each of two newspapers in the county a list containing the names of all applicants for licenses and the places for which applications shall have been made. In the case of corporations or partnerships such list shall set forth the names of all directors and officers and of all partners, respectively. The first such publication in each newspaper shall be not less than fifteen days or more than thirty days before the date fixed for said hearing.

Upon the granting of any license, the licensee shall pay to the county treasurer a license fee in such amount as shall be fixed in each particular case by the judge of the probate court, which amount shall be not less than one hundred dollars and not more than one thousand dollars in any case. The judge of the probate court, in his sole and absolute discretion, may, within the aforementioned limitations, fix license fees of varying amounts for different licensees or for different locations.

The jurisdiction of the judge of the probate court in each county in the state shall be confined to the county for which he is elected or appointed, excepting that no license for any place shall be granted or transferred without the approval and concurrence of the judge of the probate court of each county any part of the area of which is within one-half mile of said place. No judge of any probate court shall, under any circumstances, be required to assign any reason or cause for any official act of commission or omission under the authority of this section.

The general assembly or the people shall have the power to pass or adopt laws prohibiting the manufacture, production, possession, transportation, sale, barter, consumption or use of intoxicating liquor for beverage purposes; but all such laws passed by the general assembly shall be referred to the electors of the state for their approval or rejection and none of the provisions of any such law passed by the general assembly shall become operative unless and until approved by a majority of the votes of the electors voting thereon.

No law shall be adopted, passed or enforced whereby any license fee or tax, other than as set forth in this section shall be imposed upon the sale of intoxicating liquor. No law shall be adopted, passed or enforced whereby any public officer, other than the judge of the probate court, shall have any power to grant licenses or permits for the sale of intoxicating liquor or to regulate the sale of intoxicating liquor; excepting that nothing contained in this section shall be construed to limit or to restrict the usual and customary powers and duties of the police officers of this state or any political subdivision thereof.

The term 'intoxicating liquor' shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, wine and any spirituous, vinous, malt, brewed or fermented liquor, liquid or compound, by whatever name called, containing one-half of one per centum or more of alcohol by volume.

The general assembly shall pass laws providing penalties for the violation of any of the provisions of this section, and laws may be adopted or passed to facilitate the operation of the provisions of this section. No law shall be adopted, passed or enforced, however, which in any way hampers, impairs, limits or restricts any of the provisions of this section."

The summary of this amendment reads as follows:

"The proposed amendment to the constitution provides that it shall be lawful to sell or to offer for sale intoxicating liquor, or to keep, maintain or operate a hotel, inn, tavern, house, room or place where intoxicating liquor is sold or offered for sale, provided that the judge of the probate court shall have granted a license therefor; provides that it shall be unlawful to sell or to offer for sale any intoxicating liquor, or to keep, maintain or operate any hotel, inn, tavern, house, room or place where any intoxicating liquor is sold or offered for sale, unless the judge of the probate court shall have granted a license therefor, excepting that no license shall be required by the seller for the wholesaling of intoxicating liquor to any buyer to whom a license shall have been granted or transferred; provides that no license shall be granted or transferred to certain classes of persons or for certain classes of places; provides that the judge of the probate court may declare, as to all or any part of the county, such restrictions, in the way of local option or otherwise, as he may see fit, or, in addition to the restrictions set forth in the amendment, impose on any one or more licensees such further restrictions and regulations as he may see fit, and revoke or cancel any license; provides that licenses may be granted or transferred to corporations or partnerships under certain conditions; provides that licenses may be assigned or transferred under certain conditions; provides that no license shall be granted for more than twelve months; provides for the requirements and procedure for the granting of licenses, including the advance publication of applicants' names and places for license; provides for the payment of license fees of amounts fixed in each particular case by the judge of the probate court, but not less than one hundred dollars or more than one thousand dollars in any case; defines the jurisdiction of the judge of the probate court in each county; specifies that no judge of any probate court shall be required to assign any reason or cause for any official act; authorizes the general assembly or the people to pass or adopt laws prohibiting the manufacture, production, possession, transportation, sale, barter, consumption or use of intoxicating liquor for beverage purposes, with the requirement that all such laws passed by the general assembly shall, before becoming operative, be referred to the people for approval or rejection; provides that no law shall be adopted, passed or enforced whereby any fee or tax, other than as set forth in the amendment, shall be imposed upon the sale of intoxicating liquor, or whereby any public officer, other than the judge of the probate court, shall have any power to grant licenses or permits for the sale of intoxicating liquor or to regulate the sale of intoxicating liquor, excepting that nothing contained in the amendment shall limit or restrict the usual and customary powers and duties of police officers; defines the term 'intoxicating liquor'; provides that the general assembly shall pass laws providing penalties for violation of any of the provisions of the amendment; provides that laws may be adopted or passed to facilitate the operation of the provisions of the amendments; and provides that no law shall be adopted, passed or enforced which in any way hampers, impairs, limits or restricts any of the provisions of the amendment."

I am of the opinion that the foregoing is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law, the following certification:

"Without passing upon the advisability of the adoption of the proposed amendment to the Constitution of Ohio and without passing upon the legality of same, but pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the foregoing summary is a fair and truthful statement of the proposed amendment to the Constitution of Ohio by the addition to Article XV of Section 9. JOHN W. BRICKER, Attorney General."

Respectfully,  
 JOHN W. BRICKER,  
*Attorney General.*

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1899.

APPROVAL, NOTES OF WASHINGTON RURAL SCHOOL DISTRICT,  
 TUSCARAWAS COUNTY, OHIO—\$1,188.00.

COLUMBUS, OHIO, November 22, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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1900.

APPROVAL, NOTES OF RUSH RURAL SCHOOL DISTRICT, TUSCARAWAS COUNTY, OHIO—\$1,210.00.

COLUMBUS, OHIO, November 22, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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1901.

POOR RELIEF—IN ADDITION TO BONDS AUTHORIZED TO BE ISSUED BY COUNTY UNDER SECTION 3 OF AM. S. B. NO. 4, 89TH GENERAL ASSEMBLY, AS AMENDED BY S. B. NO. 63 OF 90TH GENERAL ASSEMBLY, POOR RELIEF BONDS MAY BE ISSUED WHEN—AUTHORITY OF RELIEF COMMISSION TO REQUIRE COUNTY TO PROCEED UNDER SAID SECTION 3.

**SYLLABUS:**

1. *Whenever in the years 1932, 1933 or 1934 the State Relief Commission finds that any county has issued all the bonds which it could issue under the provisions of section 3 of Amended Senate Bill No. 4, passed by the first special session of the 89th General Assembly, as amended by Senate Bill No. 63 of the 90th General Assembly, and that all the funds derived therefrom have been expended for poor relief or definitely allocated for such expenditures in its budget, and that additional funds are necessary for poor relief prior to March 1, 1935, and the Tax Commis-*