

vided for in sections 4953, 4954, and 4955 of the General Code and upon no other question."

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

1065.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN CLERMONT AND HARDIN COUNTIES.

COLUMBUS, OHIO, March 10, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio*

1066.

APPROVAL, SYNOPSIS, REFERENDUM PETITION AGAINST ACT KNOWN AS HOUSE BILL NO. 620—STATE PROHIBITION OF LIQUOR TRAFFIC.

COLUMBUS, OHIO, March 11, 1920.

HON. EUGENE HEIM, *Attorney, Ohio Home Rule Association, Cincinnati, Ohio.*

DEAR SIR:—You have submitted to me under date of March 8th for my certificate under section 5175-29e a synopsis to be embodied in a referendum petition against an act known as house bill No. 620, said synopsis being in words and figures as follows:

"The purpose of the act known as H. B. No. 620, passed by the General Assembly of Ohio, January 27, 1920, approved by the governor on February 16, 1920, and filed with the secretary of state February 17, 1920, is to provide for state prohibition of the liquor traffic, for the administration and enforcement of such prohibition and the repeal of certain sections of the General Code.

The act defines 'Intoxicating liquor' to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any distilled, spirituous, malt, vinous, or fermented liquor, and also any liquid or compound, medicated, proprietary, or patented, containing one-half of one per cent or more of alcohol by volume which is fit for use for beverage purposes, but this definition shall not extend to de-alcoholized wine, nor to any beverage or liquor produced by the process by which beer, ale, porter or wine is produced, containing less than one-half of one percentum of alcohol by volume which is made as prescribed in section 37, title II of the act of congress known as the 'National Prohibition Act' passed October 28, 1919.

Except as authorized therein, the act makes it unlawful to manufacture, sell, barter, transport, import, export, deliver, furnish, receive, give away, prescribe, possess, solicit or advertise any intoxicating liquors; the terms 'given away' and 'possess' not to apply to intoxicating liquor in a bona fide private dwelling. The act permits liquor, liquor preparations and compounds for non-beverage purposes, and wine for sacramental purposes only

in accordance with the provisions of title II of said 'National Prohibition Act.'

The act makes it unlawful to have or possess any liquor, or property designed for its manufacture, intended for use in violation of law or which has been so used, and no property rights shall exist therein, and a search warrant may issue and seizure proceedings be had as provided in sections 13482 to 13488 inclusive of the General Code, and said property destroyed unless the court shall order it to be disposed of as provided in public acts 66 federal statutes; but no warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as store, shop, saloon, restaurant, hotel or boarding house. The act provides that the term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house.

Penalties for violation of the act are for first offense fine not less than \$100 nor more than \$1000; for second offense fine not less than \$300 nor more than \$2000; for third and each subsequent offense fine of not less than \$500 nor more than \$2000 and imprisonment in the state penitentiary not less than one year nor more than five years. Penalties shall not apply to a person for manufacturing vinegar, or non-intoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered after they become intoxicating except to persons having permits from the United States government to manufacture vinegar; nor shall penalties apply to any sale of vinegar.

Any justice of the peace, mayor, municipal or police judge, probate or common pleas judge with whom the affidavit is filed charging a violation of any of the provisions of the act in the county of said official shall have final jurisdiction to try such cases upon such affidavits without a jury, unless imprisonment is a part of the penalty, subject to error proceedings; and where imprisonment is not part of the penalty, the defendant cannot waive examination nor be recognized to the grand jury nor shall it be necessary that any information be filed by the prosecuting attorney or any indictment be found by the grand jury.

The Act further provides for disposition of the money arising from fines or forfeited bonds, for proceedings in error, and repeals the liquor license laws, sections of the local option and regulatory liquor laws and amended senate bill No. 162 and house bills Nos. 526 and 527, passed by the General assembly June, 1919, and all provisions of law inconsistent with the act to the extent of such inconsistency."

I, John G. Price, Attorney-General of the State of Ohio, do hereby certify that the foregoing synopsis is a truthful statement regarding the contents and purpose of said act.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*