

A club, which is so organized that it in good faith desires to have its parties classed as private parties, will have no hesitancy in laying before the proper authorities such facts with respect to its organization and the conduct of its parties as may be required so that it may be determined whether or not the club is a bona fide private club or whether it has been organized as a mere subterfuge for evading the provisions of law with reference to the securing of permits for its dances.

In view of what has been said, I am of the opinion that :

1. Whether or not dances given within or without municipalities are public dances is a mixed question of law and fact, and in the decision of such question, the fact of financial profit to an individual or group would be determinative in most cases. Upon prosecution for giving public dances without first securing a permit therefor (Sections 13393 and 13393-2, General Code), the question as to whether or not the dance is a public one is one for the determination of the jury under proper instructions of the court. Whether or not prosecutions should be instituted for failure to secure permits before giving public dances is for the determination of the local authorities charged with the duty of enforcing the law and interested citizens, whose right and duty, with respect to the institution of prosecutions for failure to secure permits before giving public dances, are the same as that with respect to prosecutions for other crimes and offenses.

2. In determining whether or not a dance is a public dance or a dance given under the auspices of a bona fide social club as a private dancing party, consideration should be given to the organization of the club, the bona fide limitation on its membership, and the attendants of the dance, who, if anyone, stands to profit or lose thereby,—in short, the good or bad faith of the promoters of the party in complying with or attempting to evade the law.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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864.

APPROVAL, ARTICLES OF INCORPORATION OF THE INLAND CASUALTY COMPANY.

COLUMBUS, OHIO, August 15, 1927.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am returning to you herewith the amendment to the Articles of Incorporation of the Inland Casualty Company with my approval endorsed thereon.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*