

THE NUMBER AND FORM IN WHICH THE QUESTION WILL
APPEAR UPON THE OFFICIAL BALLOT AT THE
GENERAL ELECTION, NOVEMBER 6, 1928,
IS AS FOLLOWS:

PROPOSED PETITION FOR INITIATIVE NO. 32.

“A law to enact all the provisions of the Volstead Act relating to pleading, evidence, definitions, prohibitions and penalties, as the law of the State of Montana, to provide for the enforcement thereof and defining the term ‘Volstead Act,’ and to comply with Section 2 of the Eighteenth Amendment to the Constitution of the United States which provides that the Congress and the several states shall have concurrent power to enforce said amendment by appropriate legislation.”

FOR adoption and enforcement of the Federal Prohibition Laws.

AGAINST adoption and enforcement of the Federal Prohibition Laws.

Sec. 104, Revised Codes of 1921:

“The manner of voting on measures submitted to the people shall be: By marking the ballot with a cross in or on the diagram opposite and to the left of the proposition for which the voter desires to vote.”

Published as required by Chap. 137, Session Laws of 1927, at Helena, Montana.

JOHN W. MOUNTJOY,
Secretary of State.

A BILL TO ENACT BY INITIATIVE, A LAW TO ENACT ALL THE PROVISIONS OF THE VOLSTEAD ACT RELATING TO PLEADING, EVIDENCE, DEFINITIONS, PROHIBITIONS, AND PENALTIES, AS THE LAW OF THE STATE OF MONTANA, TO PROVIDE FOR THE ENFORCEMENT THEREOF AND DEFINING THE TERM "VOLSTEAD ACT."

Be It Enacted By The People of Montana, That:

SECTION I. MONTANA hereby recognizes the requirements of the Eighteenth Amendment to the Constitution of the United States for its concurrent enforcement by the Congress and the several States. To that end, all the provisions of the Volstead Act relating to pleading, evidence, definitions and penalties are hereby enacted as the law of the State of Montana, and the Courts of the State of Montana are hereby vested with jurisdiction, and the duty is hereby imposed upon all County Attorneys, Sheriffs, Grand Juries, Petit Juries, Magistrates and Peace Officers in the State to enforce the same.

SECTION II. All acts or omissions prohibited or declared unlawful by the Eighteenth Amendment to the Constitution of the United States, or by the Volstead Act, are hereby prohibited and declared unlawful; and violations thereof are subject to the penalties provided in the Volstead Act. All fines, forfeitures and penalties shall be deposited to the credit of the general fund of the county where violation occurred.

SECTION III. Montana hereby recognizes that its power to enforce the Eighteenth Amendment to the Constitution of the United States should at all times be exercised in full concurrence with the exercises of like powers of Congress. To that end, whenever Congress shall amend or repeal the Volstead Act, such amendment or repeal shall have control over the provisions of this Act.

SECTION IV. Nothing in this act shall be constructed as limiting the power of any city or town, to prohibit the manufacture, sale, transportation or possession of intoxicating liquors for beverage purposes; and all fines and forfeitures collected under any ordinance now or hereafter enacted in the exercise of such power shall be paid into the treasury of the city or town, whose ordinance is violated.

SECTION V. The phrase "Volstead Act" as used herein, is defined as Title II of the Act of Congress enacted October 28, 1919, commonly known as the National Prohibition Act and entitled, "an act to prohibit intoxicating beverages and to regulate the manufacture, production, use and sale of high-proof spirits for other than beverage purposes and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."

SECTION VI. If any provision of this Act shall be held invalid it shall not be construed to invalidate other provisions of the Act.