

LIQUOR: Local Option Statutes as same existed prior to prohibition, stand repealed and are no longer in full force and effect.

August 4, 1939

Hon. David E. Blanton
Prosecuting Attorney
Scott County
Sikeston, Missouri



Dear Sir:

We have received your letter of August 2nd, which reads as follows:

"I would appreciate your advising me as to whether or not in your opinion the Local Option Provisions of the Statutes of the State of Missouri which were in operation prior to the enactment of the Eighteenth Amendment are still in force and effect."

The Local Option Provisions of the Missouri Laws in operation prior to the enactment of the Eighteenth Amendment to the Constitution of the United States were contained in Article 4, of Chapter 52, R. S. Missouri, 1919, sections 6564 to 6571 inclusive. These sections were repealed by the legislature in the year 1931. The pertinent part of the repealing law contained in Laws of Missouri, 1931, page 266, reads as follows:

"That sections * * 6564, 6565, 6566, 6567, 6568, 6569, 6570, 6571, being all of Article 4, Chapter 52, R. S. 1919 * * be and the same are hereby repealed."

Hon. David E. Blanton

(2)

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CONCLUSION

Since the provisions of the Local Option Statutes as the same existed prior to the enactment of the Eighteenth Amendment to the Constitution of the United States, that is, Article 4, of Chapter 52, R. S. Missouri, 1919, sections 6564 to 6571, inclusive, have been expressly repealed by the legislature, such repealing section being contained in Laws of Missouri, 1931, page 266, the said Local Option Provisions are no longer in full force and effect.

Respectfully submitted,

J. F. ALLEBACH
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General.

JFA:RW