

ill-fame, or knowingly conceal or assist or abet in concealing such female, so deluded or enticed for the purpose of prostitution or lewdness, he shall be punished by imprisonment in the penitentiary not less than three nor more than ten years.

Penalty for lewdness.

SEC. 3. If any person for the purpose of prostitution or lewdness resorts to, uses, occupies or inhabits any house of ill-fame or place kept for such purpose or if any person be found at any hotel, boarding house, cigar store or other place leading a life of prostitution and lewdness such person shall be punished by imprisonment in the penitentiary not more than five years.

Evidence on trial.

SEC. 4. The state upon the trial of any person indicted for keeping a house of ill-fame, may, for the purpose of establishing the character of the house kept by defendant, introduce evidence of the general reputation of such house as so kept, and such evidence shall be competent for such purpose.

Approved, April 3, 1884.

CHAPTER 143.

RELATING TO SALE OF INTOXICATING LIQUORS.

H. F. 516½

AN ACT to Amend Chapter 6, Title XI of the Code, Relating to Intoxicating Liquors and to Provide Additional Penalties for Violations of the Provisions of Said Chapter and the Amendments thereto.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 1525 repealed and substitute enacted.

SECTION 1. That section 1525, of the code be and the same is hereby repealed and the following enacted in lieu thereof,

Penalty for manufacturing

SEC. 1525. Every person who shall manufacture any intoxicating liquors as in this chapter prohibited, shall be deemed guilty of a misdemeanor and upon his first conviction for said offense, shall pay a fine of two hundred dollars and costs of prosecution or be imprisoned in the county jail not to exceed six months and on his second and every subsequent conviction for said offense, he shall pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, and be imprisoned in the county jail one year.

First offense.

Second and subsequent convictions.

Code, § 1526 re-enacted and amended.

SEC. 2 That section 1526, of the code of 1873, be and the same is hereby re-enacted and amended by inserting after the word "to" and before the words "buy and sell intoxicating liquors" the words "manufacture or."

SEC. 3. That section 1527 of the code be, and the same is hereby amended by inserting after the words "desires to" and before the words "sell said liquors" in the third line of said section the words "manufacture or." Code, § 1527 amended.

SEC. 4. That section 1528 of the code be, and the same is hereby amended by adding thereto the words: *provided*, that in case of a permit to manufacture intoxicating liquors the penalty of the bond shall be five thousand dollars. Code, § 1528 amended. Penalty of bond \$5,000.

SEC. 5. That section 1531 of the code, be, and the same is hereby amended by inserting in the second line thereof, after the words "may be" the words "manufactured or." Code, § 1531 amended.

SEC. 6. That section 1535 of the code be, and the same is hereby amended by inserting after the words "record of" in the fourth line the words "manufacture or." Code, § 1535 amended.

SEC. 7. That section 1537 of the code be and the same is hereby amended by adding thereto the words: and the provisions of this section shall apply to persons holding a permit to manufacture intoxicating liquors, so far as the same relates to the report; and any such manufacturer shall within the time specified for parties holding a permit to sell, also report the quantity and kind of liquors by him manufactured since the date of his last report, and also the quantity and kinds of liquors sold by him, and for what purpose and to whom sold. Code, § 1537 amended.

SEC. 8. That section 1538 of the code be, and the same is hereby repealed and the following enacted in lieu thereof. Code, § 1538 repealed and substitute enacted.

SEC. 1538. Any person having such permit, who shall sell intoxicating liquors at a greater profit than is herein allowed, shall be liable to treble damages to be recovered by civil action in favor of the party injured. And any person holding a permit, either to manufacture or sell, who shall fail to make monthly returns as herein required, or within five days thereafter, or who shall make a false return, shall forfeit for each offense the sum of one hundred dollars, to be recovered in the name of the state of Iowa, upon the relation of any citizen of the county by civil action on his bond with costs, and one half of the sum recovered shall go to the informer and one half shall go to the school fund of the county. Penalty for selling at greater profit than here allowed. Penalty for failure to make monthly report.

SEC. 9. That section 1539 of the code be and the same is hereby amended by adding thereto the following, to-wit: "One half of the amount so recovered shall go to informer, and the other half shall go to the school fund of the county." Code, § 1539 amended; one half fine goes to informer.

SEC. 10. That section 1540 of the code be repealed and the following enacted in lieu thereof: Code, § 1540 repealed and substitute enacted.

SEC. 1540. If any person not holding such a permit by himself, his clerk, servant or agent shall for himself or any person else, directly or indirectly, or on any pretense, or by any device, sell or in consideration of the purchase of any other property, give to any person

Penalty for selling without a permit.

First offense.

Second and every subsequent offense.

Clerks, agents.

Any number of violations charged in same indictment.

Persons not paying fines, not entitled to benefit of chapter 47, title 25 of code.

Code, § 1542 repealed and substitute enacted.

Owning or keeping with intent to sell.

First offense.

In event of default.

any intoxicating liquors he shall, for the first offense be deemed guilty of a misdemeanor, and on conviction for said first offense shall pay a fine of not less than fifty or more than one hundred dollars and costs of prosecution, and stand committed to the county jail until such fine and costs are paid: for the second and every subsequent offense he shall pay on conviction thereof a fine of not less than three hundred dollars nor more than five hundred dollars and costs of prosecution and be imprisoned in the county jail, not to exceed six months. All clerks, servants, and agents of whatever kind engaged, or employed in the manufacture, sale, or keeping for sale in violation of this chapter, of any intoxicating liquor, shall be charged and convicted in the same manner as principals may be, and shall be subject to the penalties herein provided. Indictments and information for violations under this section may allege any number of violations of its provisions by the same party, but the various allegations must be contained in separate counts, and the person so charged may be convicted and punished for each of the violations so alleged as on separate indictments or informations, but a separate judgment must be entered on each count on which a verdict of guilty is rendered. The second and subsequent convictions mentioned in this section shall be construed to mean convictions on separate indictments or information. And in default of the payment of the fines and cost provided for the first conviction under this section, the person so convicted shall not be entitled to the benefit of chapter forty-seven, title twenty-five of this code, until he shall have been imprisoned sixty days.

SEC. 11. That section 1542 of the code be repealed and the following enacted in lieu thereof:

SEC. 1542. No person shall own, or keep or be in any way concerned, engaged, or employed in owning or keeping any intoxicating liquors with intent to sell the same within this state, or to permit the same to be sold therein in violation of the provisions hereof, and any person who shall so own or keep or be concerned, engaged or employed in owning or keeping such liquors with any such intent, shall be deemed, for the first offense, guilty of a misdemeanor; and on conviction for said first offense shall pay a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, and in default of such fine and costs, he shall not be entitled to the benefits of chapter forty-seven, title twenty-five of the code, until he shall have been imprisoned sixty days;

for the second and every subsequent offense he shall pay a fine of not less than three hundred dollars nor more than five hundred, or be imprisoned in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court, and upon trial of every indictment or information of violations of the provisions of this section, proof of the finding of the liquor named in the indictment or in the information, in the possession of the accused in any place except his private dwelling house, or its dependencies, or in such dwelling house or dependencies, if the same is a tavern, public eating house, grocery or other place of public resort, or in unusual quantities in the private dwelling house or its dependencies of any person keeping a tavern, public eating house, grocery, or other place of public resort in some other place, shall be received and acted upon by the court as presumptive evidence that such liquor was kept or held for sale contrary to the provisions hereof.

Second and subsequent offense.

Presumptive evidence.

SEC. 12. That section 1543 of the code, be and the same is hereby repealed and the following enacted in lieu thereof:

Code, § 1543 repealed and substitute enacted.

SEC. 1543. In cases of violation of the provisions of either of the three preceding sections or of sections fifteen hundred and twenty-five of this chapter, the building or erection of whatever kind, or the ground itself in or upon which such unlawful manufacture or sale, or keeping with intent to sell, use or give away, of any intoxicating liquor is carried on, or continued, or exists, and the furniture, fixtures, vessels, and contents is hereby declared a nuisance and shall be abated as hereinafter provided and whoever shall erect or establish, or continue, or use any building, erection or place for any of the purposes prohibited in said sections shall be deemed guilty of a nuisance, and may be prosecuted and punished accordingly, and upon conviction shall pay a fine of not exceeding one thousand dollars and costs of prosecution, and stand committed until the fine and costs are paid: and the provisions of chapter 47, title 25 of this code, shall not be applicable to persons committed under this section. Any citizen of the county where such nuisance exists, or is kept or maintained, may maintain an action in equity to abate and perpetually enjoin the same, and any person violating the terms of any injunction granted in such proceedings shall be punished as for contempt by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court.

Building and contents declared a nuisance.

Penalty for owner.

Chapter 47, title 25, not applicable. Any citizen may maintain action.

Penalty for violating injunction.

Code, § 1551 amended, making it the duty of peace officers to give evidence.

SEC. 13. That section 1551 of the code be, and the same is hereby amended by adding thereto the following, "Every peace officer shall give evidence when called upon, of any facts within his knowledge, tending to prove a violation of the provisions of this chapter, but his evidence shall in no case be used against him in any prosecutions against him for a violation of the provisions of this chapter.

Code, § 1553 repealed and substitute enacted.

SEC. 14. That section 1553 of the code be, and the same is hereby repealed and the following enacted in lieu thereof:

Common carriers liable for bringing liquors in the state : exception.

SEC. 1553. If any express company railway company, or any agent, or person in the employ of any express company or railroad company, or if any common carrier or any person in the employ of any common carrier, or if any other person shall knowingly bring within this state for any other person or persons, or corporation, or shall transport between points within the state for any other person or persons or corporation, any intoxicating liquors, without first having been furnished with a certificate from and under the seal of the county auditor of the county to which said liquor is to be transported or is consigned for transportation, certifying that such consignee or person, for or to whom said liquor is to be transported, is authorized to sell such intoxicating liquors in such county, such company corporation, or persons so offending, and each of them, and any agent of such corporation or company so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars for each offense and shall stand committed to the county jail until such fine and the costs of prosecution are paid, and one half of the fine shall go to the informer and the other half shall go to the school fund of the county; *and provided further*, that the offense herein defined shall be held complete, and shall be held to have been committed in any county of the state through or to which said intoxicating liquors are transported, or in which the same are loaded for transportation; *provided further*, that it shall be the duty of the several county auditors of this state to issue the certificate herein contemplated, to any person having such permit, and the certificate so issued shall be truly dated where issued, and shall specify the date at which the authority or permit expires, as shown by the county records.

Penalty.

One half the fine to go to the informer.

Proviso : offense held to have been committed in any county through which liquors are transported.

Duty of county auditors.

Club houses prohibited.

SEC. 15. Every person who shall, directly or indirectly, keep or maintain, by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet, in keeping or maintaining any club room, or other place in which intoxicating liquors is received or kept for the purpose of use, gift, barter, or sale or for distribution or division among the

members of any club or association by any means whatever, and every person who shall use, barter sell or give away, or assist or abet another, in bartering, selling, or giving away any intoxicating liquors as received or kept, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. Penalty.

SEC. 16. All statutes and acts and parts of acts inconsistent with the provisions of this chapter as hereby amended are hereby repealed; *provided*, however, that this repeal shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time such repeal takes effect, and no offense committed, nor penalty or forfeiture incurred, and no suit or prosecution pending when the repeal takes effect, for an offense committed, or for the recovery of a penalty or forfeiture incurred, shall be affected by this repeal, and the provisions of section 1555, as amended, and substituted by the act of this general assembly approved March 4, 1884, shall apply and have relation to the provisions of the code as herein amended and all penalties as herein provided, shall be held to apply to intoxicating liquors as defined in said act March 4, 1884. Inconsistent statutes repealed. Proviso. Code, § 1555 as passed by 20th G. A. to remain in force.

Approved, April 3, 1884.

CHAPTER 144.

APPROPRIATION FOR STATE FISH COMMISSION.

AN ACT for an Appropriation for the State Fish Commission.

S. F. 286.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That for the purpose of continuing the work of the state fish commission as provided by the 16th, 17th, 18th, and 19th general assemblies: to provide for the distribution of the salmon trout, siskiwit, California trout, land locked salmon and German carp, now on hand and hereafter to be propagated at the state hatching houses and to continue the propagation and distribution of these and the native fish of Iowa and to distribute such fish as may be donated by the United States fish commission to the state of Iowa and such other work as may be deemed by the governor and the state fish commissioners of importance in introducing valuable varieties of fish into the waters of Iowa. There is hereby appropriated out of any money belonging to the state the sum of five thousand dollars — *provided*, the above amount be under the control of and audited by the executive council. \$5,000 appropriated for the care and propagation of fish. Proviso.