

vey to Nels George and E. L. Stilson, all the right, title and interest of said incorporated town of Forest City, in and to said alley and the portion of "J" street so vacated, and,

WHEREAS, Doubts exist as to the legality of the official acts of the council and officers of said town in vacating said alley and portion of street, and of the conveyances of said property to Nels George and E. L. Stilson, therefore,

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

SECTION 1. The vacation of the aforementioned alley and portion of street, described above in preamble by said town council is hereby legalized.

SEC. 2. The said conveyance of said property by the said town council to the persons above named in the preamble is hereby legalized to the extent of conveying to said persons all the title and interest said town had in the property thus conveyed.

Approved April 6, 1886.

CHAPTER 83.

AMEND CHAPTER 75, ACTS EIGHTEENTH GENERAL ASSEMBLY AND CHAPTER 137, ACTS NINETEENTH GENERAL ASSEMBLY, RELATING TO PHARMACY.

AN ACT to Amend Chapter 75, of the Acts of the Eighteenth General Assembly, and Chapter 137, of the Acts of the Nineteenth General Assembly, Relating to the Practice of Pharmacy. H. F. 464.

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

SECTION 1. That section 3, chapter 75, of the acts of the Eighteenth General Assembly be and the same is hereby amended by adding thereto the following to-wit: Except that the Secretary of State is authorized to furnish said commissioners with stationery and blanks necessary for their office, and said commissioners are authorized to administer oaths, and take and certify the acknowledgements of instruments in writing. Sec. 3, chapter 75, acts 18th G. A., amended.

SEC. 2. That section 8 of chapter 75, of the acts of the Eighteenth General Assembly be repealed, and the following enacted in lieu thereof: Sec. 8, chapter 75, acts 18th G. A., amended.

Section 8. Pharmacists whose certificates of registration are in full force and effect, shall have the sole right to keep and to sell under such regulations as have been or may be established from time to time by the commissioners of pharmacy, all medicines and poisons, including intoxicating liquors only for the actual necessities of medicine; *provided* that such pharmacists

Registered pharmacists may keep and sell medicines, poisons, and liquors.

Provido.

Must procure permit.
Proviso.

Subject to law in relation to intoxicating liquors.
Second violation.

25 per cent of fines to be paid into State treasury for benefit of Board of Pharmacy.

Permits; how procured.

Proviso.

Any person may appear and show cause why permit should not be granted.

County Auditor to issue permit, etc.

How used.

shall have procured permits therefor as hereinafter prescribed. *Provided* further, that nothing herein contained shall be so construed as to *shield* [shield] the person who in any wise abuses this trust, for the legitimate and actual necessities of medicine only, from the utmost rigors of the law, now or hereafter in force relating to intoxicating liquors, and in addition thereto, for a second violation thereof, his name shall be stricken from the register by the commissioners of pharmacy upon receipt of transcript of conviction, which shall be transmitted by the court or by order of the court, before whom conviction is had. Twenty-five per cent of all moneys recovered as fines under the provisions of this act shall be paid into the State treasury, and reported to the State Auditor, and held subject to the order of the commissioners of pharmacy as needed, to be by them used solely to defray the expenses of prosecutions, under, and the enforcement of this act or acts to which this is amendatory. In order to procure a permit to sell intoxicating liquors as aforesaid and a shipping permit he shall present to such board of supervisors a petition signed by at least one-fourth of the free holders having the qualification of electors of the township, town or ward wherein such business is located, certifying that the registered pharmacist applying is a person of good moral character, is not a minor and is, and for the six months last preceding has been lawfully conducting a pharmacy as proprietor in such township, town, or ward, and that they believe him to be a proper person to buy and sell intoxicating liquors for the purposes named in this act. The board being satisfied that all the provisions of the law have been complied with, a permit shall be issued. *Provided*, however, that any resident of the township, town or ward, may appear and show cause why such permit should not be granted, and the same shall be refused unless the board are fully satisfied that all the requirements of the law have been complied with, ten days notice of the time of granting such permit having been given by publication in a newspaper published in the county or by posting notices in the township, town or ward in which the business is to be conducted. The county auditor shall issue to such pharmacist, his certificate of registration and his permit to buy and sell, being in full force and effect, a permit to receive intoxicating liquors within the county in which he does business, and the presentation of said permit to any railway company, express company or common carrier within the borders or traversing the territory of the state, shall convey full authority to receive, transport and deliver, intoxicating liquors to the person

named in such permit; *provided*, that such permit shall be for specified packages and kinds of liquors, and that a certified copy of such permit shall be kept on file in the office of the auditor issuing the same. The commissioners of pharmacy shall, on the revocation or forfeiture of any certificate of registration, subsequent to their last biennial report or abstract of the state pharmacy register, report such revocation or forfeiture to the county auditor of the county wherein such certificate was last in force. On or before the tenth day of each month said pharmacist shall make to the county auditor a complete report, verified by his affidavit specifically showing all sales of intoxicating liquors made during the preceding calendar month, to whom sold, and the purpose for which the same was to be used as represented by duplicate applications executed by each purchaser. The registered pharmacist to whom application is made shall refuse to execute same, if he has reason to believe that the application is not made in good faith, and that the liquor would be used as a beverage. He shall not accept an application from a minor or from any person who is in the habit of becoming intoxicated, or when any relative of such person has given written notice to said pharmacist that such person uses intoxicating liquors as a beverage. The drinking of intoxicating liquors in a pharmacy, whether under a permit or not shall be presumptive evidence that the same was sold or given away by such pharmacist contrary to law.

Proviso.

Commissioners shall report revocation to County Auditor.

Pharmacist shall report in full to County Auditor.

Duties defined as to selling liquors.

Presumption.

SEC. 3. That section 2 of chapter 137, of the acts of the Nineteenth General Assembly, be and the same is hereby amended by striking out the words "twenty-five" in the eighth line and inserting in lieu thereof the words "one hundred nor more than two hundred" and by striking out the word "one" in the ninth line of said section and inserting in lieu thereof the word "two."

Amends Sec. 2, Chap. 137, acts 19th G. A.

SEC. 4. That section 12, of chapter (75), of the acts of the Eighteenth General Assembly, as amended, be and the same is hereby repealed, and the following enacted in lieu thereof:

Amends sec. 12 chap. 75 acts 18th General Assembly.

"Section 12. Physicians dispensing their own prescriptions only, are not required to be registered pharmacists. *Provided*, that nothing in this act shall prevent any person not a registered pharmacist or not holding a permit, from keeping and selling proprietary medicines, and such other domestic remedies as do not include any intoxicating liquors or poisons."

Exceptions.

Proviso.

SEC. 5. This act being deemed of immediate importance shall take effect and be in force from and after its publication

Publication.

in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved April 7, 1886.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Des Moines Leader*, April 8, 1886.

FRANK D. JACKSON, *Secretary of State*.

CHAPTER 84.

ORDER OF PAYMENT OF COUNTY WARRANTS.

H. F. 486. AN ACT to provide for the order of Paying County Warrants being additional section 328 $\frac{1}{4}$ of the Code.

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

Additional sec.
328 $\frac{1}{4}$ Code.

Order of pay-
ment of county
warrants.

Notice.

SECTION 1. The treasurer shall keep a record of the number and amount of the warrants presented and endorsed for non-payment, which shall be paid in the order of such presentation when there are funds in the treasury for their payment to an amount sufficient to render it advisable; he shall give notice to what number of warrants the funds will extend, or the number which he will pay, by posting a written notice in his office, and at the expiration of thirty days from the date of such posting, interest on the warrants so named as being payable shall cease.

Approved April 7, 1886.

CHAPTER 85.

HIGHWAYS MAY BE ESTABLISHED BY BOARDS OF SUPERVISORS ALONG STREAMS.

H. F. 171. AN ACT to give discretionary power to the Board of Supervisors in their respective Counties to change and establish Highways along streams where they can avoid building a bridge or bridges across said stream.

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

Boards of su-
pervisors may
change high-
way along
streams.

SECTION 1. That the board of supervisors shall have the power to change and establish highways along streams where they can avoid building a bridge or bridges over said stream, and said highway shall be placed in good traveling condition by said county board of supervisors; and all cost accruing in the establishment of said road shall be paid out of the county bridge fund.