

## INTOXICATING LIQUORS.

### CHAPTER 71.

#### TO REGULATE THE SALE OF INTOXICATING LIQUORS.

**AN ACT** to Provide for and Regulate the Sale of Intoxicating Liquors H. F. 561.  
for Necessary Purposes; and to Make More Efficient the Laws for the Suppression of Intemperance; and to Repeal Sections 1524, 1528, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537 and 1538 of the Code of 1878, as Amended by Chapter 143, of the Acts of the 20th General Assembly, and All that Part of Section Two (2) Chapter Eighty Three (83) Acts of the Twenty-First General Assembly After the Words "Medicines and Poisons" in the Fifth Line thereof; and to Amend Sections 1 and 4, Chapter 75 Acts of the 18th General Assembly and to Provide Penalties and Proceedings for Violations of the Provisions thereof.

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

**SECTION 1.** That after this act takes effect no person shall manufacture for sale, sell, keep for sale, give away exchange, barter or dispense any intoxicating liquor, for any purpose what ever, otherwise than as provided in this act. Persons holding permits as herein provided shall be authorized to sell and dispense intoxicating liquors for pharmaceutical and medicinal purposes and alcohol for specified chemical purposes, and wine for sacramental purposes, but for no other purposes whatever; and all permits must be procured as hereinafter provided from the district court of the proper county at any term thereof after this act takes effect, and a permit to buy and sell intoxicating liquors when so procured shall continue in force for one year from date of its issue unless revoked according to law or until application for renewal is disposed of, if such application is made before the year expires. Provided, that renewals of permits may be annually granted upon written application by permit holders who show to the satisfaction of the court or Judge that they have during the preceding year complied with the provisions of this act and to execute a new bond as in this act required to be originally given, but parties may appear and resist renewals the same as in applications for permits.

Manufacture forbidden except for purposes indicated.

Renewal of permits.

**SEC. 2.** Notice of an application for a permit or renewal thereof must be published for three consecutive weeks in a newspaper regularly published and printed in the English language and of general circulation in the city or town where the applicant proposes to keep and sell intoxicating liquors or if there be no newspaper regularly published in such city or town, such

Application for permit.

publication shall be made in one of the official papers of the county, the last of which publications shall be not less than ten days nor more than twenty days before the first day of the term; and state the name of applicant; the purpose of the application; the particular location or the place where the applicant proposes to keep and sell liquors and that the petition provided for in the next section will be on file in the clerk's office at least ten days before the first day of the term naming it, when the application will be made, and a copy thereof shall be served personally on the county attorney in the same manner and time as required for service of original notices in the district court.

Filing of application for permit to sell.

Specifications.

SEC. 3. Applications for permits shall be made by petition signed and sworn to by the applicant and filed in the office of the clerk of the district court of the proper county at least ten days before the first day of the term, which petition shall state the applicant's name; place of residence; in what business he is then engaged, and in what business he has been engaged for two years previous to filing petition; the place particularly describing it, where the business of buying and selling liquor is to be conducted; that he is a citizen of the United States and of the State of Iowa; that he is a registered pharmacist and now is, and for the last six months has been lawfully conducting a pharmacy in the township or town wherein he proposes to sell intoxicating liquors under the permit applied for, and as the proprietor of such pharmacy, that he has not been adjudged guilty of violating the law relating to intoxicating liquors within the last two years next preceding his application; and is not the keeper of a hotel, eating house, saloon, restaurant or place of public amusement; that he is not addicted to the use of intoxicating liquors as a beverage and has not within the last two years next preceding his application, been directly or indirectly engaged, employed or interested in the unlawful manufacture, sale or keeping for sale of intoxicating liquors and that he desires a permit to purchase, keep and sell such liquors for lawful purposes only.

Applicant to give bond for \$1,000.

Use of bond.

SEC. 4. This permit or renewal thereof shall issue only on condition that the applicant shall execute to the State of Iowa, a bond in the penal sum of one thousand dollars with good and sufficient sureties to be approved by the clerk of the court, conditioned that he will well and truly observe and obey the laws of Iowa now or hereafter in force in relation to the sale of intoxicating liquors; that he will pay all fines, penalties, damages and costs that may be assessed or recovered against him for a violation of such laws during the term for which said permit or renewal thereof is granted. Said bond shall be for the use and benefit of any person or persons who may be injured or damaged by reason of any violation of the law relating to intoxicating liquors purchased, sold or given away during the term for which said permit or renewal thereof is granted. The said bond shall be deposited with the county auditor, and suit shall be brought thereon at any time by the county attorney, or any person for

whose benefit the same is given, and in case the conditions thereof or any of them shall be violated, the principal and sureties therein, shall also be jointly and severally liable for all civil damages, costs and judgments that may be obtained against the principal in any civil action brought by a wife, child, parent, guardian, employer or other person, under the provisions of sections fifteen hundred and fifty six, fifteen hundred and fifty seven and fifteen hundred and fifty eight of the code of Iowa, as the same is amended and now in force, and section twelve, chapter sixty-six, acts of the Twenty first General Assembly of the State of Iowa. All other money collected for breaches of such bond shall go to the school fund of the county. Said bond shall be approved by the clerk of the district court under the rules and laws applicable to the approval of official bonds.

Approval of  
bond.

SEC. 5. At least ten days before the first day of the term the applicant shall file with the clerk in support of the application, a petition signed by one third of the freehold voters of the township incorporated town, city or ward in which the permit is to be used, and each person aforesaid shall sign said petition by his own true name and signature, and state that each, before signing the same, has read said petition and understands the contents and meaning thereof, and is well and personally acquainted with the applicant, that the applicant is a resident of the county, is over twenty one years of age, is of good moral character, reputed to be law abiding, and has not been found guilty of violating the laws relating to intoxicating liquors in any proceeding at law or in equity within the last two years next preceding the date of his application as far as the petitioner has knowledge or information and is not in the habit of using intoxicating liquors as a beverage; and that the permit prayed for is necessary for the convenience and accommodation of the people of said locality and that they believe that the applicant is worthy of confidence and will observe the laws governing permitted persons in conducting the dispensation of liquors. On or before 9 o'clock A. M. of the first day of the term any resident of the county may file a remonstrance against granting the permit applied for, which must show the residence, sex and age of the person signing it and the grounds of objection to granting the permit.

Petition to be  
filed by  
applicant.

Statement set  
up in petition.

SEC. 6. No application for a permit or renewal thereof shall be considered or acted upon by the court until the requisite notice has been given and petitions filed as provided by this act, and each is in form and substance such as required. On the first day of the term, having ascertained that the application is properly presented the court shall proceed to hear the application, unless objection thereto be made, in which case the court shall appoint a day during the term, but not later, when the same shall be heard; and in doing so shall consider the convenience of the court, and the interested parties and their counsel so far as the state of the business and the necessities of

Hearing of ap-  
plication by  
court.

Resisting ap-  
plication.

the case will permit. If unavoidable causes prevent a hearing during the regular time allotted to the term, the same shall be heard and disposed of in vacation by the Judge as soon as practicable thereafter. The County Attorney, or other counsel, or any citizen may in person or by counsel appear and resist the application, and whether resisted or objection be made or not the court shall not grant the permit until it shall first be made to appear by competent evidence that the applicant is possessed of the character and qualifications requisite, is worthy of confidence and to receive the trust and will be likely to execute the same with fidelity; and that the statements made in his application and the petition of residents are all and singular true, and, considering the population of the locality and the reasonable necessities and convenience of the people such permit is proper. If the application is resisted the court or judge shall hear controversy upon the petitions, remonstrances and objections, and the evidence offered and grant or refuse such permit, as the public good may require. If there be more than one permit applied for in the same locality, they shall all be heard at the same time, unless for good cause otherwise directed, and the court may grant or refuse any or all of the applications as will best subserve the public interest.

Oath of appli-  
cant.

Sec. 7. If the application for the permit or renewal thereof is granted it shall not issue until the applicant shall make and subscribe an oath before the clerk, which shall be indorsed upon the bond to the effect and tenor following:

"I —— do solemnly swear (or affirm) that I "will well and truly perform all and singular the conditions of the within bond, and keep and perform the trust confided in me to purchase, keep and sell intoxicating liquors. I will not sell, give or furnish to any person any intoxicating liquors otherwise than as provided by law, and, especially, I will not sell or furnish any intoxicating liquors to any person who is not known to me personally, or duly identified: nor to any minor, intoxicated person or persons who are in the habit of becoming intoxicated: and I will make true, full and accurate returns of all certificates and requests made to or received by me as required by law; and said returns shall show every sale and delivery of such liquors, made by or for me during the month embraced therein, and the true signature to every request received and granted: and such returns shall show all the intoxicating liquors sold or delivered to any and every person as returned."

Specifications  
in permit.

Upon taking said oath and filing bond as herein before provided, the Clerk shall issue to him a permit authorizing him to keep and sell intoxicating liquors as in this act provided: and every permit so granted, shall specify the building giving street and number or location in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force which in no case shall exceed twelve months.

**Sec. 8.** Permits granted under this act shall be deemed trusts reposed in the recipients thereof, not as a matter of right but of confidence, and may be revoked upon sufficient showing, by order of the court or judge thereof. Complaint may be presented at any time to the District Court, or one of the judges thereof, which shall be in writing and signed and sworn to by three citizens of the county in which the permit was granted, and a copy of such complaint shall, with a notice in writing of the time and place of hearing be served on the accused, five days before the hearing, and if the complaint is sufficient, and the accused appear and deny the same, the court or judge shall proceed without delay, unless continued for cause to hear and determine the controversy, but if continued or appealed at the instance of the permit holder, his permit to buy and sell liquors may in the discretion of the court be suspended pending the controversy. The complainant and accused may be heard in person or by counsel or both, and submit such proofs as may be offered by the parties; and if it shall appear upon such hearing, that the accused has in any way abused the trust or so conducted the business under the permit as to acquire notoriety and public repute that liquors are sold by the accused or his employes in violation of law or if it shall appear that any liquor has been sold or dispensed unlawfully or has been unlawfully obtained at said place from the holder of the permit or any employe assisting therein, or that he has in any proceeding, civil or criminal, since receiving his permit, been adjudged guilty of violating any of the provisions of this act or the acts for the suppression of intemperance, the court or judge shall by order revoke and set aside the permit; the papers and order in such case shall be immediately returned to and filed by the clerk of the court, if heard by the judge and the order entered of record as if made in court and if in this or any other proceeding, civil or criminal, it shall be adjudged by the court or judge that any registered pharmacist, proprietor or clerk has been guilty of violating this act or the act for the suppression of intemperance and amendments thereto, by unlawfully manufacturing, selling, giving away or unlawfully keeping with intent to sell intoxicating liquors, such adjudication may in the discretion of the Commissioners of Pharmacy work a forfeiture of his certificate of registration, and the Commissioners of Pharmacy shall, upon receipt of a transcript of a judgment or order authenticated by the clerk of the court showing a second and subsequent violation, cancel his registration. It shall be the duty of the clerk to forward to the Commissioners of Pharmacy such transcripts without charge therefor, as soon as practicable after final judgment or order.

**Sec. 9.** Registered pharmacists who show themselves to be fit persons and who comply with all the requirements of this act may be granted permits, and in any township where there is a registered pharmacist conducting a pharmacy and no pharmacist obtains a permit, if found necessary the court may grant a per-

Permits may  
be revoked.

Judge may re-  
voke permit.

Permits may be granted to discreet persons not pharmacists.

mit to one discreet person in such township not a pharmacist, but having all other qualifications requisite under this act, upon like notice and proceedings as pertain to permitted pharmacists and subject to the same liabilities, duties, obligations and penalties.

Records and papers to be kept by clerk of court.

SEC. 10. The clerk of the court granting the permit shall preserve as part of the record and files of his office all petitions, bonds and other papers pertaining to the granting or revocation of permits and keep suitable books in which bonds and permits shall be recorded. The books shall be furnished by the county like other public records. Whether said permit be granted or refused the applicant shall pay the costs incurred in the case, and when granted he shall make payment before any permit issue, except the court may tax the cost of any witnesses summoned by private persons, resisting said application, and the fees for serving such subpoenas to such persons when it is shown that such witnesses were summoned maliciously or without probable cause to believe their evidence material. A fee of one dollar and fifty cents shall be taxed for the filing of the petition and one dollar for entering the order of the court approving bond and granting said application, and witnesses shall be entitled to mileage and per diem as in other cases. And fees for serving notices and subpoenas shall be the same as in other cases in the District Court.

Certificate of authority to purchase.

SEC. 11. When any person holding a permit in full force desires to purchase or procure any intoxicating liquors to be kept and sold under his permit, the county auditor shall upon the written or printed application of the permit holder, signed by him, specifying the kind and quantity of liquors desired by him, issue to such holder under seal of his office a certificate authorizing him to purchase and cause to be transported from the place of purchase to his place of business described in his permit, the kind and quantity of liquors mentioned in such certificate. Said certificate shall be dated as of its true date when issued and attached to the way bill accompanying the shipment and when so attached, shall be authority for the common carrier in whose hands it may be, to transport and deliver the package or packages containing the liquors therein described and in packages therein designated according to the direction of the certificate. Upon receipt of the liquors, the certificate shall be returned to the auditor who issued the same and be cancelled, filed and preserved by him in his office. No certificate so issued authorizing the purchase and transportation of any intoxicating liquors shall be used more than once or later than thirty days following its date; and such certificate shall be in the following form, to-wit:

Return of certificate.

"STATE OF IOWA, }  
..... County. }

"I hereby certify that..... who is permit'ed Form of certificate.  
under the laws of Iowa to buy and sell intoxicating liquors  
at..... in said county of...  
..... is hereby authorized to purchase and ship to.....  
..... the following described intoxicating liquors, to-wit :  
.....  
provided such liquors are shipped in the following described  
packages, to wit :.....  
Witness my hand and the seal of the county this..... day  
of..... 18..

.....  
Auditor."

Sec. 12. Before selling or delivering any intoxicating liquors Statement of use and kind of liquor purchased.  
to any person a request must be printed or written dated of the  
true date, stating the age, and residence of the signer, for  
whom and whose use the liquor is required, the amount and  
kind required, the actual purpose for which the request is made  
and for what use desired and his or her true name and resi-  
dence, and where numbered by street and number if in a city,  
and that neither the applicant nor the person for whose use  
requested habitually uses intoxicating liquors as a beverage and  
the request shall be signed by the applicant by his own true  
name and signature and attested by the permit holder who re-  
ceives and fills the request by his own true name and signature  
in his own handwriting. But the request shall be refused not-  
withstanding the statement made unless the permit holder has  
reason to believe said statement to be true, and in no case un-  
less the permit holder filling it personally knows the person Permit holder must know purchaser.  
applying to be of good moral character, reliable and trustwor-  
thy, that he is not a minor, that he is not intoxicated, and that  
he is not in the habit of using intoxicating liquors as a bever-  
age; or if the applicant is not so personally known to the per-  
mit holder before filling the said order or delivering the liquor  
he shall require identification and the statement of a reliable Identification of purchaser.  
and trustworthy person of good character and habits known  
personally to him that the applicant is not a minor and is not  
in the habit of using intoxicating liquors as a beverage and is  
worthy of credit as to the truthfulness of the statements in the  
application and this statement shall be signed by the witness  
in his own true name and handwriting stating his residence  
correctly. The requests shall be made upon blanks furnished Blanks furnished by county at cost.  
by the County Auditor in packages of one hundred each to the  
holders of the permits from time to time as the same shall be  
needed and shall be consecutively numbered by the Auditor.  
The blanks shall be in two series, one for requests by persons  
known to the seller and one for requests by unknown appli-  
cants, identified and vouched for by a known witness both on

one sheet and each request and identification shall when used be attested by the seller and such attestation shall be conclusive evidence against the permit holder that the seller did fill the order and deliver the liquor as stated therein and that the sale was made with knowledge of the habits and character of the purchaser or witness. The blanks aforesaid shall be procured by the County Auditor in uniform cheap books like blank checks at the expense of the County and furnished to the holders of permits by the County Auditor at actual cost and the proceeds be by said Auditor paid into the county treasury, and the date of delivery shall be endorsed by the County Auditor on each book and receipt taken therefor; and preserved in his office. The permit holder shall preserve the applications in the original form and book except the filling of the blanks therein until returned to the County Auditor. When return thereof is made if the book be full the County Auditor shall endorse thereon the date of return and file and preserve the same. If the book is not filled the Auditor shall remove those filled, enclose the same in an envelope and endorse thereon the name of the permit holder, the date of return and number thereof and file and preserve the same and redeliver the book with endorsement of date thereon and statement of the number remaining therein and so on until the book is filled and return thereof made. All unused or mutilated blanks shall be returned or accounted for before other blanks are issued to such permit holders.

Blanks must be accounted for.

Permit holders to make monthly returns of sales.

Oath to accompany statement.

Books of permit holders.

SEC. 13. On or before the tenth day of each month each permit holder shall make full returns to the county auditor of all requests filled by him and his clerks during the preceding month and accompany the same with a written or printed oath duly taken and subscribed before the county auditor or notary public, which shall be in the following form, to wit: "I ..... being duly sworn on oath state that the requests for liquors herewith returned are all that were received and filled at my pharmacy (or place of business) under my permit during the month of ..... 18.... that I have carefully preserved the same and that they were filled up, signed and attested at the date shown thereon, as provided by law; that said requests were filled by delivering the quantity and kind of liquors required and that no liquors have been sold or dispensed under color of my permit during said month except as shown by the requests herewith returned and that I have faithfully observed and complied with the conditions of my bond and oath taken by me thereon endorsed and with all the laws relating to my duties in the premises." Every permit holder shall keep strict account of all liquors purchased or procured by him in a book kept for that purpose which shall be subject at all times to the inspection of the commissioners of pharmacy and the county attorney, any grand juror or peace officer of the county and such book shall show of whom such liquors were purchased or procured, the amount and kind of liquors



purchased or procured, the date of receipt and amount sold and amount used in compounding medicines tinctures and extracts, amount on hand of each kind for each month, such book shall be produced by the party keeping the same, to be used as evidence on the trial of any prosecution against him or against liquors alleged to have been seized from him or his house, on notice duly served that the same will be required as evidence; and at the same time he returns requests to the county auditor he shall file a statement of such account with such auditor except that the items of sales need not be embraced therein, but the aggregate amount of each kind shall be, and such statement shall be verified before the county Auditor or a notary public. All forms necessary to carry out the provisions of this act not otherwise provided for shall be as may be provided by the Commissioners of Pharmacy.

SEC. 14. Every permit holder or his clerk under this act, shall be subject to all the penalties, forfeitures and judgments and may be prosecuted by all the proceedings and actions, criminal and civil, and whether at law or in equity provided for or authorized by the laws now or hereafter in force for any violation of this act, and the act for the suppression of intemperance and any law regulating the sale of intoxicating liquors and by any or all of such proceedings applicable to complaints against such permit holder; and the permit shall not shield any person who abuses the trust imposed by it or violates the laws aforesaid and in case of conviction in any proceeding civil or criminal all the liquors in possession of the permit holder shall by order of the court be destroyed. On the trial of any action or proceeding against any person for manufacturing selling, giving away or keeping with intent to sell intoxicating liquors in violation of law, or for any failure to comply with the conditions or duties imposed by this act, the requests for liquors and returns made to the Auditor as herein required: the general repute of the accused and his place of business and manner of conducting the same, the quantity and kinds of liquors sold or kept, purchased or disposed of, the purpose for which liquors were obtained by or from him and for which they were used, the character and habits of applicants for liquor and their general repute as to habits of sobriety or otherwise, shall be competent evidence and may be considered so far as applicable to the particular case with any other recognized, competent and material facts and circumstances bearing on the issues involved in determining the ultimate facts. In any suit, prosecution or proceeding for violations of this act or the acts for the suppression of intemperance, and acts amendatory thereof, the Court may compel the production in evidence of any books or papers required by this act to be kept, and may compel any permit holder, his clerk or any person who has purchased liquors of either of them to appear and give evidence, and the claim that any such testimony or evidence will tend to criminate the person giving such evidence shall not excuse such person or witness

Penalty of  
abuse of trusts.

Liquors confiscated.

Evidence in  
action against  
seller.

from testifying or producing such books or papers in evidence: but such oral evidence shall not be used against such person or witness, on the trial of any criminal proceeding against him. Any number of distinct violations of this act may be charged in one indictment in different counts and all tried in the same action, the Jury specifying the counts, if any, on which the defendant is found guilty.

Number of violations not limited by indictment.

Registered Pharmacists not holding permits.

SEC. 15. Registered pharmacists, conducting pharmacies and not holding permits and manufacturers of proprietary medicines are hereby authorized to purchase of permit-holders in the counties of their residence, intoxicating liquors (not including malt) for the purpose of compounding medicines, tinctures and extracts that cannot be used as a beverage. Said permit-holders shall not charge such registered pharmacists over 10 per cent net profit for liquors so sold, such purchasers shall keep a record of uses to which the same are devoted, giving the kind and quantity so used. And on or before the tenth day of each Calendar month they shall make and file with the County Auditor sworn reports for the preceding calendar month giving full and true Statements of the quantity and kinds of such liquors purchased and used, the uses to which the same have been devoted, and giving the names of the permit holders of whom the same were purchased and the dates and quantities so purchased, together with an invoice of the amount of each kind still in stock and kept for such compounding. The commissioners of pharmacy are hereby empowered and directed to make further rules and regulations regarding the quantity of intoxicating liquors to be kept in stock by such pharmacists at any one time, and such further rules and regulations with respect to the purchase, use and keeping of such liquors as they may deem proper for the prevention of abuses of the trust reposed in such purchasers, and if the said registered pharmacist sell, barter, give away, exchange or in any manner dispose of said liquors, or use the same for any purpose other than authorized in this Section, he shall upon conviction before any District Court thereof forfeit his certificate of registration; and be liable to all the penalties, prosecutions and proceedings at law or in equity provided against persons selling without a permit, and upon any such conviction the clerk of the District Court shall within ten days after said Judgment or order transmit to the Commissioners of Pharmacy the certified record thereof, upon receipt of which the commission shall strike his name from the list of pharmacists and cancel his certificate. Provided, that nothing herein contained shall be construed to authorize the manufacture or sale of any preparation or compound under any name, form or device which may be used as a beverage and which is intoxicating in its character.

Comrs. of Pharmacy may make further rules.

No intoxicating compound to be used as a beverage.

Permit holders liable for sales of clerks.

SEC. 16. A permit holder may employ not more than two registered pharmacists as clerks to sell intoxicating liquors in conformity to the permit and provisions of this act, but in such case the acts of his clerks in conducting the business shall be deemed the acts of the permit holder who shall be liable there-

for as if he had personally done the acts and in making returns the verification of such requests as may have been received attested and filled by a clerk must be made by such clerk and the clerk who transacted any of the business under the permit must join in the general oath required of the employer so far as relates to his own connection therewith. If for any cause a registered pharmacist who holds a permit shall cease to hold a valid and subsisting certificate of registration or renewal thereof his permit shall thereby be forfeited and be null and void.

SEC. 17. Any person holding a permit in force when this act takes effect may continue to purchase, keep and sell intoxicating liquors according to the laws under which his permit was given until such time as a permit can be obtained under the provisions of this act but all such permits shall expire on the first day of October 1888.

Permits in force when law takes effect.

SEC. 18. If any person shall be convicted of violating any of the provisions of this act or of the acts regulating the practice of pharmacy or any acts for the suppression of intemperance or amendments thereto by reason of a prosecution by the commissioners of pharmacy all fines so imposed and collected shall be paid into the county treasury of the proper county for the use of the school fund, and the Commissioners of Pharmacy shall be entitled to draw from the State treasury an amount not exceeding 50 % of the amount of the fines so collected to be used solely in prosecution instituted by them for failure to comply with the provisions of this act or of the acts regulating the practice of Pharmacy. And the Court before whom any prosecution instituted and prosecuted by the Commissioners of Pharmacy shall certify to the Auditor of State all cases in which they have appeared as prosecutors, either in person or by their attorney, and the amount of fines imposed and collected in such Cases; And the commissioners of pharmacy shall have power to revoke the certificate of registration of pharmacists for repeated violation of this act. Said amount to be drawn from time to time upon the warrants of the State Auditor which shall issue for the payment of expenses actually incurred in said prosecutions after said expenses shall have been audited by the Executive Council.

Persons convicted of violation of law.

Certificate of prosecution filed with Auditor.

SEC. 19. If any person shall make any false or fictitious signature or sign any name other than his or her own to any paper required to be signed by this act or make any false statement in any paper or application signed to procure liquors under this act, the person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$20 (twenty dollars) nor more than one hundred dollars (\$100) and cost of prosecution and shall be committed until said fine and cost are paid or be imprisoned not less than ten nor more than thirty days. If any permit holder or his clerk shall make false oath touching any matter required to be sworn to under the provisions of this act, the person so offending shall upon conviction therefor be punished as provided by

Penalty for false statement or signature.

Penalty for  
excess of pur-  
chase.

law for perjury. If any person holding a permit under this law shall purchase or procure any intoxicating liquors otherwise than authorized by this act, or in any larger quantities than shall be stated in the County Auditor's certificate obtained by him for that purpose, or make any false return to the County Auditor, or use any request for liquors for more than one sale or the County Auditor's certificate for purchasing liquors for more than one purchase, in any of such cases he shall be deemed guilty of a misdemeanor and upon conviction, punished accordingly.

Various laws  
cited and  
repealed.

SEC. 20. That Sections 1524, 1526, 1527, 1528 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, and 1538 of the Code of 1878 as amended by Chapter 143 of the Acts of the 20th General Assembly and all that part of Section two (2) chapter Eighty-three (83) acts of the Twenty first General Assembly after the words "medicines and poisons" in the fifth line thereof be and the same is hereby repealed, and by inserting after the word poison in the fifth line of Section 2 Chapter Eighty three Acts of the Twenty first General Assembly the following words, "excepting intoxicating liquors" provided that nothing in this act shall be construed to abate any action or proceeding now pending in any Court in this State for a violation of the provisions of the Sections hereby repealed or to operate to bar any prosecutions hereafter brought for any such violations committed prior to the passage and taking effect of this act.

Sec 1 Chap 75  
acts 18 G. A.  
amended.

SEC. 21. That section one, chapter 75 of the acts of the Eighteenth General Assembly be and the same is hereby amended by striking out the words "for medical use, except as hereinafter provided", at the end of said section and inserting in lieu thereof the words, "and any person violating the provisions of this section shall be liable to pay a penalty of five dollars for each day of such violation and cost of prosecution.

Suits brought  
in the name of  
State of Iowa.

Suits brought to recover any of the penalties provided for in this act or the acts to which it is amendatory shall be instituted in the name of the State of Iowa by the county Attorney or under the direction and by the authority of the Commissioners of Pharmacy for the State of Iowa. In all cases brought under this act or the acts to which it is amendatory, the prosecution need not prove that the defendant has not the required pharmacy certificate of registration; if the defendant has such certificate he must produce it".

Sec. 4 Chap. 75  
acts 18 G. A.  
amended.

SEC. 22. That Section 4, Chapter 75 of the Acts of the Eighteenth General Assembly be and the same is hereby amended, by striking out the words "a duplicate of which is to be kept in the Secretary of State's office" in the second and third lines of said Section.

Publication.

SEC. 23. This Act being deemed of immediate importance shall take effect and be in force from and after its publication

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

Approved April 12, 1888.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Des Moines Leader* April 13, 1888.

FRANK D. JACKSON, *Secretary of State.*

## CHAPTER 72.

### RELEASE OF PENALTIES—SALE OF INTOXICATING LIQUORS.

**AN ACT** to Release Certain Penalties for Failure to Make and File H. F. 606.  
Reports of Sales of Intoxicating Liquors by Holders of Permits,  
Within the Time Required by Law, and to Dismiss Suits.

**WHEREAS;** The Twentieth General Assembly of the State of Iowa, passed an act amending title eleven (11) chapter six (6) of the Code of Iowa and fixing the time within which parties holding permits for the sale of intoxicating liquors shall make and file their monthly reports with the county Auditor within five days from the last Saturday of each month as provided in section 1537 and 1538, of the Code of Iowa, and chapter 143 of the laws of the 20th General Assembly of the State of Iowa; and, Time of filing monthly reports.

**WHEREAS;** Said law fixed and attached a penalty of one hundred dollars for each failure to make and file said monthly report within five days from the last Saturday in each month, one half of said penalty to go to the informer, and one half to the school fund, and Penalty for failure to file report.

**WHEREAS;** A large number of druggists residing in the State and holding permits under the law, have failed to make and file their monthly reports within the five days as required, but in truth and in fact have made and filed said monthly reports with the County Auditor as required by law, but not within the five days as aforesaid, and,

**WHEREAS;** In many cases large penalties have been incurred by reason of failure to make and file said monthly reports with the County Auditor within the five days as aforesaid without any intention of violating the prohibitory liquor law on the part of the holders of said permit, therefore

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

**SECTION 1.** That in all cases in which any druggist holding a permit for the sale of intoxicating liquors, has heretofore failed to make and file the monthly reports and statements with the county auditor within the five days as required by sections 1538 and 1539 of the code of Iowa, and as amended by chapter 143 of the Acts of the Twentieth General Assembly of the State of Failure to report in time specified.