

Sec. 10. Compensation of commissioners. Said commissioners shall each receive for the time actually employed in the performance of their duties the sum of ten dollars (\$10.00) per day, which sum shall be paid out of any unappropriated funds in the state treasury.

Sec. 10-a1. Reports revealing grounds of removal. When any report as to the condition of a state office, other than the report of said commission, is made and filed under authority of law, and said report reveals grounds for the removal from office of a public officer, the person filing said report shall also file a copy thereof with the governor and with the attorney general.

Approved February 27, 1924.

CHAPTER 35  
INTOXICATING LIQUORS  
S. F. 51

AN ACT to amend, revise, and codify sections nine hundred sixteen (916), nine hundred seventeen (917), nine hundred nineteen (919), nine hundred sixty-two (962), nine hundred sixty-five (965) to nine hundred sixty-seven (967), inclusive, nine hundred sixty-nine (969) to nine hundred seventy-three (973), inclusive, nine hundred seventy-eight (978), nine hundred seventy-nine (979), nine hundred eighty (980), nine hundred eighty-one (981) to nine hundred ninety-seven (997), inclusive, nine hundred ninety-nine (999) to ten hundred eighteen (1018), inclusive, ten hundred twenty (1020), ten hundred twenty-three (1023), and ten hundred twenty-five (1025) to ten hundred twenty-seven (1027), inclusive, ninety-two hundred sixty-six (9266) and ninety-two hundred sixty-seven (9267), of the compiled code of Iowa, and sections nine hundred fourteen (914), nine hundred fifteen (915), nine hundred eighteen (918), nine hundred sixty-eight (968), nine hundred seventy-four-a one (974-a1) to nine hundred seventy-four-a three (974-a3), inclusive, nine hundred seventy-five (975), nine hundred seventy-six-a one (976-a1) to nine hundred seventy-six-a six (976-a6), inclusive, nine hundred seventy-seven-a one (977-a1) to nine hundred seventy-seven-a seven (977-a7), inclusive, nine hundred ninety-eight (998), ten hundred nineteen (1019), ten hundred twenty-a one (1020-a1), and ten hundred twenty-four (1024) of the supplement to said code, relating to intoxicating liquors.

Be It Enacted by the General Assembly of the State of Iowa:

That sections nine hundred sixteen (916), nine hundred seventeen (917), nine hundred nineteen (919), nine hundred sixty-two (962), nine hundred sixty-five (965) to nine hundred sixty-seven (967), inclusive, nine hundred sixty-nine (969) to nine hundred seventy-three (973), inclusive, nine hundred seventy-eight (978), nine hundred seventy-nine (979), nine hundred eighty (980), nine hundred eighty-one (981) to nine hundred ninety-seven (997), inclusive, nine hundred ninety-nine (999) to ten hundred eighteen (1018), inclusive, ten hundred twenty (1020), ten hundred twenty-three (1023), and ten hundred twenty-five (1025) to ten hundred twenty-seven, inclusive, ninety-two hundred sixty-six (9266) and ninety-two hundred sixty-seven (9267), of the compiled Code of Iowa, and sections nine hundred fourteen (914), nine hundred fifteen (915), nine hundred eighteen (918), nine hundred sixty-eight (968), nine hundred seventy-four-a one (974-a1) to nine hundred seventy-four-a three (974-a3), inclusive, nine hundred seventy-five (975), nine hundred seventy-six-a one (976-a1) to nine hundred seventy-six-a six (976-a6), inclusive, nine hundred seventy-seven-a one (977-a1) to nine hundred seventy-seven-a seven (977-a7), inclusive, nine hundred ninety-eight (998), ten hundred nineteen (1019), ten hundred twenty-a one (1020-a1), and ten hundred twenty-four (1024) of the supplement to said Code are amended, revised, and codified to read as follows:

TITLE \_\_\_\_\_

INTOXICATING LIQUORS

CHAPTER 1

GENERAL PROHIBITIONS

Section 1. Rule of interpretation. Courts and jurors shall construe this title so as to prevent evasion.

Sec. 2. Definition. The word "liquor" or the phrase "intoxicating liquor" when used in this title, shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, wine, spirituous, vinous and malt liquor, and all intoxicating liquor whatever.

Sec. 3. Manufacture, sale, or keeping for sale prohibited. No one, by himself, clerk, servant, employee, or agent, shall, for himself or any person else, directly or indirectly, or upon any pretense, or by any device, manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or any services or in evasion of the statute, or keep for sale, any intoxicating liquor, except as provided in this title, or own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any intoxicating liquor with intent to violate any provision of this title, or authorize or permit the same to be done, or manufacture, own, sell, or have possession of any instrument intended for use and capable of being used in the manufacture of intoxicating liquor; or own or have possession of any material used exclusively in the manufacture of intoxicating liquor; or use or have possession of any material with intent to use it in the manufacture of intoxicating liquors.

Sec. 4. Accessories. Any clerk, servant, employee, or agent engaged or aiding in any violation of this title shall be charged and convicted as principal.

Sec. 5. First conviction--penalty. Whoever is found guilty of violating any of the provisions of the second preceding section, shall be punished as a bootlegger as provided in this act.

Sec. 7. "Bootlegger" defined. Any person who shall, by himself, or his employee, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor as herein defined, with intent to sell or dispose of the same by gift or otherwise, or who shall within this state, in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of intoxicating liquor, in violation of law, or aid in the delivery and distribution of any intoxicating liquor so ordered or shipped, or who shall in any manner procure for, or sell or give any intoxicating liquors to any minor for any purpose, or give to or in any manner procure for or sell the same to any intoxicated person, or to one in the habit of becoming intoxicated, shall be termed a bootlegger, and shall be fined not less than three hundred dollars nor more than one thousand dollars or be imprisoned in the county jail not less than three months nor more than one year, or by both such fine and imprisonment.

Sec. 8. Venue. In case of a sale in which a shipment or delivery of such liquors is made by a person or corporation, the sale thereof shall be deemed to be made in the county wherein the delivery thereof is made by such carrier to the consignee, his agent or employee.

Sec. 9. Nuisance. The building, erection or place, or the ground itself, in or upon which the unlawful manufacture or sale or keeping with intent to sell, use or give away said liquors is carried on or continued or exists, and the furniture, fixtures, vessels and contents, are declared a nuisance, and in addition to all other penalties provided in this title, shall be abated as hereinafter provided.

Sec. 10. Penalty for nuisance. Whoever shall erect, establish, continue or use any building, erection or place for any of the purposes herein prohibited, is guilty of a nuisance, and upon conviction shall pay a fine of not less than three hundred nor more than one thousand dollars and costs of prosecution, which shall include a reasonable attorney's fee to be taxed by the court, and stand committed to the county jail until such fine and costs are paid, or be imprisoned in the county jail for a period of not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment.

Sec. 11. Intoxication punished. If any person shall be found in a state of intoxication, any peace officer shall, without a warrant, take him into custody and detain him in some suitable place until an information can be made before a magistrate, and a warrant of arrest issued, under which he shall at once be taken before the magistrate issuing the same, or, if for any reason he can not act, to the next nearest one, where he shall be tried, and, if found guilty, shall be fined in the sum of not less than five nor more than twenty-five dollars and costs of prosecution, or imprisoned in the county jail not more than thirty days.

Sec. 12. When penalty remitted. The penalty, or any portion of it, imposed under the preceding section, may be remitted by the magistrate before whom the trial is had, and the accused discharged from custody, upon his giving information in writing and under oath, stating when, where and of whom he purchased or received the liquor which produced the intoxication, and the kind and character of this liquor, and, in addition, giving bail for his appearance before any court to give evidence in any action or complaint to be commenced or preferred against such party for furnishing the same.

Sec. 13. Clubrooms. 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 clubroom, or other place in which intoxicating liquors are 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 so received or kept, 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.

Sec. 14. False statements. If any person, for the purpose of procuring the shipment, transportation or conveyance of any intoxicating liquors within this state, shall make to any company, corporation or common carrier, or to any agent thereof, or other person, any false statements as to the character or contents of any box, barrel or other vessel or package containing such liquors; or shall refuse to give correct and truthful information as to the contents of any such box, barrel or other vessel or package so sought to be transported or conveyed; or shall falsely mark, brand or label such box, barrel or other vessel or package in order to conceal the fact that the same contains intoxicating liquors, for the purpose aforesaid; or shall by any device or concealment procure or attempt to procure the conveyance or transportation of such liquors as herein prohibited, he shall be fined for each offense one hundred dollars and costs of prosecution, and the costs shall include a reasonable attorney fee to be taxed by the court, and be committed to the county jail until such fine and costs are paid.

Sec. 15. Packages in transit--search. Any peace officer of the county under process or warrant to him directed shall have the right to open any box, barrel, or other vessel or package for examination, if he has reasonable ground for believing that it contains intoxicating liquors, either before or while the same is being so transported or conveyed.

Sec. 16. Labeling legal shipments. It shall be unlawful for any common carrier or other person to transport or convey by any means, within this state, any intoxicating liquors, unless the vessel or other package containing such liquors shall be plainly and correctly labeled or marked, showing the quantity and kind of liquors contained therein, the name of the party to whom they are to be delivered, and the name of the shipper. No person shall be authorized to receive or keep such liquors unless the same be marked or labeled as herein required. The violation of any provision of this section by any common carrier, or any agent or employee of such carrier, or by any other person, shall be punished the same as provided in the second preceding section.

Sec. 17. Carrying or drinking on trains. Any person who shall upon any railway car, street or interurban car, in service, carry upon his person, or in any hand baggage, suit case or other wise, for unlawful purposes, any intoxicating liquor, and any person who shall drink any such liquors as a beverage on any such car shall be guilty of a misdemeanor.

Sec. 18. Illegally transported liquors. Liquors conveyed, carried, transported, or delivered in violation of either of the two last preceding sections, whether in the hands of the carrier or some one to whom they shall have been delivered, shall be subject to seizure and condemnation, as liquors kept for illegal sale.

Sec. 19. Shipments for lawful purposes only. It shall be unlawful for any person, firm, or corporation, or any agent or employee thereof, to carry any intoxicating liquor into the state or from one point to another within the state for the purpose of delivering, or to deliver same to any person, company or corporation within the state, except for lawful purposes.

Sec. 20. Record of shipments. It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any intoxicating liquor into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such intoxicating liquor to any person, company, or corporation, to keep, at each station or office where it employs an agent or other person to make delivery of freight and keep records relative thereto, a record book, wherein such carrier shall promptly upon receipt, and prior to delivery, enter in ink, in legible writing, in full, the name of the consignor of each shipment of intoxicating liquor to be delivered from or through such station, from where shipped; the date of arrival, the quantity and kind of liquor, so far as disclosed by lettering on the package or by the carrier's records, and to whom and where consigned, and the date delivered.

Sec. 21. Inspection of shipping records. The record book required by the preceding section shall be kept in the said local office of such carrier and shall, during business hours, be open to inspection by any peace or law enforcing officer. It shall be a misdemeanor to refuse such inspection.

Sec. 22. Delivery is conditional. No shipment billed in whole or in part as intoxicating liquor shall be delivered to the consignee until such consignee upon such record book enters in ink, in legible writing, his full name and residence or place of business, giving the name of the town or city, and the street name and number where there is such, and certifies that such liquor is for his own lawful purposes.

Sec. 23. Unlawful delivery by carriers. It shall be a misdemeanor for any corporation, common carrier, person, or any agent or employee thereof:

1. To deliver any intoxicating liquors to any person other than to the consignee, or
2. To deliver any intoxicating liquors without having the same receipted for as heretofore provided, or
3. To deliver any intoxicating liquors where there is reasonable ground to believe that such liquor is intended for unlawful use.

Sec. 24. Immunity from damage. In no case shall any corporation, common carrier, person, or the agent thereof, be liable in damages for complying with any requirements of this title.

Sec. 25. Federal statutes. The requirements of this title relative to the shipment and delivery of intoxicating liquors and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such liquors.

## CHAPTER 2

### INDICTMENT, EVIDENCE, AND PRACTICE

Sec. 26. Peace officers to file information. Peace officers shall see that all provisions of this title are faithfully executed within their respective jurisdictions, and when informed, or they have reason to believe, that the law has been violated, and that proof thereof can be had, they shall file an information to that effect against the offending party before a magistrate, who shall thereupon proceed according to law.

Sec. 27. Peace officer to investigate. Any peace officer shall, whenever directed in writing so to do by the county attorney, make special investigation of any alleged or supposed infraction of the law within his county, and report in writing with reference thereto within a reasonable time to such county attorney.

Sec. 28. Violation of duty. Any peace officer failing to comply with any of the provisions of the two last preceding sections shall pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office.

Sec. 29. Services and expense. The peace officer shall file with the county auditor a detailed, sworn statement of the services rendered and of his actual itemized expenses incurred in connection with said investigation, accompanied by the written order of the county attorney. If the officer be one who is receiving a definite and fixed salary, the board of supervisors shall audit and allow only so much of such expense account as it shall find reasonable and necessary. If the officer be one not receiving a fixed and definite salary, the board of supervisors shall allow such additional sum for services as it may deem reasonable and just, which allowance shall be final.

Sec. 30. Duty of county attorney. Upon trials of information for violations of this title, the county attorney shall appear for the state, unless some other attorney, selected by the peace officer who filed the information, shall have previously appeared.

Sec. 31. Attorney fee. The attorney selected by a peace officer in accordance with the provisions of the preceding section, shall receive, for prosecuting such charge before a justice of the peace, five dollars, to be taxed as costs in the case.

Sec. 32. Unnecessary allegations. In any indictment or information under this title, it shall not be necessary:

1. To set out exactly the kind or quantity of intoxicating liquors manufactured, sold, given in evasion of the statute, or kept for sale, nor
2. To set out the exact time of manufacture, sale, gift, or keeping for sale, nor
3. To negative any exceptions contained in the enacting clause or elsewhere, which may be proper ground of defense.

But proof of the violation by the accused of any provision of this title, the substance of which violation is briefly set forth, within the time mentioned in said indictment or information, shall be sufficient to convict such person.

Sec. 33. Counts. Informations or indictments under this title may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty.

Sec. 34. Former conviction--pleading. In any prosecution for a second or subsequent offense, as provided in this title, it shall not be requisite to set forth in the indictment or information the record of a former conviction, but it shall be sufficient briefly to allege such conviction.

Sec. 35. "Second conviction" defined. The second or subsequent convictions provided for in this title shall be convictions on separate informations or indictments, and, unless shown in the information or indictment, the charge shall be held to be for a first offense.

Sec. 36. Record of former conviction. On the trial of any cause, wherein the accused is charged with a second or subsequent offense, a duly authenticated copy of the former judgment in any court in which such judgment was so had, shall be competent and prima facie evidence of such former judgment.

Sec. 37. Proof of sale. It shall not be necessary in every case to prove payment in order to prove a sale within the true meaning and intent of this title.

Sec. 38. Purchaser as witness. The person purchasing any intoxicating liquor sold in violation of this title shall in all cases be a competent witness to prove such sale.

Sec. 39. Peace officer as witness. 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 title.

Sec. 40. Judgment lien. For all fines and costs assessed or judgments rendered of any kind against any person for a violation of any provision of this title, or costs paid by the county on account of such violation, the personal and real property, whether exempt or not, except the homestead, as well as the premises and property, personal and real, occupied and used for the purpose, with the knowledge of the owner or his agent, by the person manufacturing, selling, or giving, contrary to the provisions of this title, or keeping with intent to sell intoxicating liquors contrary to law, shall be liable, and the same shall be a lien on such real estate until paid.

Sec. 41. Enforcement of lien. Costs paid by the county for the prosecution of actions or proceedings, civil or criminal, under this title, as well as the fines inflicted or judgments recovered, may be enforced against the property upon which the lien attaches by execution, or by action against the owner of the property to subject it to the payment thereof.

Sec. 42. Evidence of owner's knowledge. In actions under the two preceding sections, evidence of the general reputation of the place kept shall be admissible on the question of knowledge of the owner, and written notice given him or his agent by any citizen of the county shall be sufficient to charge him with the same.

Sec. 42-a. Action to subject property--attorney fees. The county attorney in the name of the state, or any citizen of the county in his own name, may maintain an action to subject real property to the payment of the costs and fines aforesaid, and in all such actions, if successful, there shall be added to the judgment, as additional costs, in favor of the county attorney or citizen, as the case may be, a reasonable attorney fee to be fixed by the court.

Sec. 43. Second and subsequent conviction. Whoever is convicted, or has entered a plea of guilty in a criminal action, in any district court of the state of a violation of any provision of this title or of the laws amendatory thereof, and is thereafter convicted or enters a plea of guilty of a subsequent offense against any provision of this title or of said amendatory laws shall be punished as follows:

1. For his second conviction, by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or, by both such fine and imprisonment.

2. For his third and each subsequent conviction, by imprisonment in the state penitentiary for not more than three (3) years.

Sec. 44. Miscellaneous violations. Any person who, hereafter, is four times convicted either upon trial or a plea of guilty in separate civil or criminal proceedings in any court of this state of violations of this title and is thereafter convicted or enters a plea of guilty in the district court under an indictment or trial information of a fifth violation of this title, shall be imprisoned in the penitentiary for a term not exceeding three years.

Sec. 45. Pleading former convictions. The indictment or information charging a fifth violation under the preceding section shall briefly refer to and identify said former convictions.

### CHAPTER 3

#### SEARCH WARRANTS

Sec. 46. Search warrant proceedings. Search warrant proceedings authorized by this title shall be in the name of the state of Iowa.

Sec. 47. Information for search warrant. Any credible resident of this state, may, before a magistrate, make written information, supported by his oath or affirmation that he has reason to believe and does believe that at a named place in the county wherein the information is filed,

1. Intoxicating liquors are being unlawfully kept, or
2. Instruments and utensils are being kept and used in the manufacture of intoxicating liquors, or are being kept with the intent to so use them, or
3. Materials are being kept and used in the manufacture of intoxicating liquors, or are being kept with the intent to so use them.

Sec. 48. Description of person, place, and things. Said information shall, in all cases, describe with reasonable certainty, the place to be searched, and the liquors or instruments or material kept, used or intended to be used in the manufacture of intoxicating liquors. The person in possession of said place and the person keeping said liquors and things shall be designated by name, if known. If the name of such person is unknown, the information shall state such fact.

Sec. 49. Search warrant for dwelling house. (In redrafting this bill as provided by the fortieth general assembly, section 49 has been omitted, but in order to avoid revising the references and notes under each section the remaining sections have not been renumbered.)

Sec. 50. Probable cause--warrant. Said magistrate shall, upon finding that complainant has probable cause for the belief set forth in said information, issue his warrant of search. Said warrant shall be directed "To any peace officer in the county", shall designate and describe the liquors, instruments, utensils, materials, place, and persons substantially as set forth in said information, and shall command the said officer thoroughly to search said place and to seize the said liquors and the vessels containing them, and said instruments, utensils, and materials, and to keep the same securely until final action be had thereon.

Sec. 51. Execution of warrant. The peace officer to whom such warrant shall be delivered shall forthwith obey and execute, as effectually as possible, the commands of said warrant, and forthwith make return of his doings, to said magistrate and shall securely keep all liquors, instruments, utensils, and materials so seized by him and the vessels containing them until final action be had thereon.

Sec. 52. Notice of hearing. Said magistrate, in the event of a seizure under said warrant, shall, within forty-eight (48) hours after the officer's return is filed with him, issue a notice of hearing on said seizure, which notice shall:

1. Be addressed:
  - (a) To the person named or described in said information as the owner or keeper of said liquors, instruments, utensils, and materials, and
  - (b) "To all persons whom it may concern".
2. Describe said liquors, vessels, instruments, utensils, and materials with reasonable certainty, and state where, when, and why the same were seized.
3. Summon said persons and all others whom it may concern to appear before said magistrate within the county at a place and time named in said notice, which time shall not be less than five nor more than fifteen days after the posting and leaving of said notices, and show cause, if any they have, why said instruments, materials, or liquors, together with the vessels in which the same are contained, should not be forfeited.
4. Be signed by said magistrate.

Sec. 53. Service of notice. Said notice shall be served:

1. By posting a copy thereof in some conspicuous place on or about the building or place where said liquors, vessels, instruments, utensils, and materials were seized, and
2. If the person or persons named or described in the information as owner or keeper of said liquors, articles, and things so seized be resident of said county, then by leaving a copy of said notice at the last known usual place of residence of said person or persons.



Sec. 54. Right to contest forfeiture. At the time and place prescribed in said notice, the person named in said information, or any other person claiming an interest in said liquors, vessels, instruments, utensils, or materials, or in any part thereof, may appear and show cause why the same should not be forfeited, providing such claimant at least three days prior to the time set for the hearing:

1. Has filed a written claim for said liquors, vessels, instruments, utensils, or materials, or for any part thereof, and has alleged therein under oath that the articles claimed were not obtained by him by means of unlawful transportation of the same and were not intended for unlawful sale or use, and

2. Has entered into and filed with the magistrate a bond with proper security as determined by said magistrate, conditioned to pay all costs incurred in the proceeding from the beginning thereof in case the liquors, vessels, instruments, utensils, or materials, or any part of it so claimed, is finally ordered forfeited.

Sec. 55. Procedure. The proceeding in the trial of such case may be the same, substantially, as in cases of misdemeanor triable before justices of the peace.

Sec. 56. Right to jury. Any person may demand a jury, provided he has, within the time and in the manner heretofore provided, acquired the right to contest said condemnation.

Sec. 57. Presumption. It shall be presumed, on the trial of said proceeding, that all intoxicating liquors seized under said search warrant, and the vessels containing such liquors have come into the possession of the holder or claimant by means of unlawful transportation, and that such liquors were owned and kept by claimant with the intent to sell and use the same in violation of this title, and the burden to show the contrary shall rest upon the claimant.

Sec. 58. Insufficiency of description no defense. When any liquors, instruments, utensils, or materials shall have been seized by virtue of any such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency of description in the warrant of the liquors, instruments, utensils, materials or place, but the claimant shall only have a right to be heard on the merits of the case.

Sec. 59. Judgment of forfeiture. If, upon the evidence presented, the said magistrate or jury, as the case may be, shall, by verdict, find that said liquors, instruments or materials were when seized, owned or kept by any person, whether said party defendant or not for the purpose of being used or sold in violation of this title or have been unlawfully manufactured or transported, the said magistrate shall render judgment that said liquors, instruments, or materials or said part thereof, with the vessels in which they are contained are forfeited.

Sec. 60. Costs. If no person be made defendant in the manner aforesaid, or if judgment be in favor of all the defendants who appear are made such, then the costs of the proceeding shall be paid as in ordinary criminal prosecution where the prosecution fails.

If the judgment shall be against only one party defendant appearing as aforesaid, he shall be adjudged to pay all the costs of proceedings in the seizure and detention of the liquors, instruments, utensils, or materials claimed by him, and trial, up to the time of judgment.

If such judgment shall be against more than one party defendant claiming distinct interests in said liquor, instruments or material, then the costs of said proceedings and trial shall be, according to the discretion of said magistrate, equitably apportioned among said defendants.

Execution shall be issued on said judgments against defendants for the amount of costs so adjudged against them.

Sec. 61. Appeal by claimant. Any person appearing as aforesaid may appeal to the district court from said judgment or forfeiture, as to the whole or any part of said liquors, instruments, utensils, materials, or vessels claimed by him and so adjudged forfeited.

Sec. 62. Appeal by state. Where the judgment is against the state, it shall have the same right of appeal, except that no bond shall be required.

Sec. 63. Stay of proceedings. If an appeal be taken by the state, the same shall operate as a stay of proceedings and the liquors, instruments, utensils, or materials seized under the warrant shall not be returned to any claimant thereof until, upon the final determination of said appeal, he is found entitled thereto.

Sec. 64. Default judgment. If no person appears and claims such liquors, instruments, utensils, or materials, at least three days prior to the day set for the forfeiture hearing, the magistrate shall enter an order of forfeiture on default on the date set for the hearing.

Sec. 65. Transcript to district court. When it shall be finally decided by any other than the district court that intoxicating liquors, instruments, utensils, or materials seized as aforesaid are forfeited, the court rendering final judgment of forfeiture shall forthwith file in the office of the clerk of the district court in the county a certified transcript of such judgment.

Sec. 66. Judgment docketed--effect. The clerk of the district court shall file the transcript as soon as received and enter a memorandum thereof and the date of filing in the judgment docket and from such entry it shall be treated in all respects and in its enforcement as a judgment in the district court.

Sec. 67. Delivery to sheriff. When a judgment of forfeiture is transcribed to the district court, the officer having said liquors, instruments, utensils, or materials in custody shall forthwith deliver the same to the sheriff, taking itemized receipts therefor. One of said receipts shall be filed with the clerk of the district court and the other with the court rendering said judgment.

Sec. 68. Restoration. When it shall be finally decided that any liquors, instruments, utensils, or materials so seized are not liable to forfeiture, the court rendering such final decision shall issue a written order to the officer having the same in custody or to some other peace officer, to restore said liquors, instruments, utensils, or materials with the vessels containing the same to the place where it was seized as nearly as may be or to the person entitled to receive it.

Sec. 69. Execution, return, and costs. The officer shall obey said order and make return thereon to the court of his acts thereunder and the costs of the proceeding in such case attending the restoration, shall be taxed to and paid by the state.

Sec. 70. Utilizing condemned liquors. When a transcript has been filed or a judgment has been entered in the district court, decreeing a forfeiture of any intoxicating liquors, instruments, utensils, or materials, the court, or a judge thereof in vacation, may direct the disposition of such liquors, instruments, utensils, or materials and the vessels containing the same:

1. By ordering the destruction thereof, or
2. By ordering any portion thereof consisting of alcohol, brandies, wine or whiskey, to be delivered, for medical or scientific purposes, to any state or reputable hospital in the county, or in adjoining counties, or to the board of control of state institutions.

Sec. 71. Dispensation by board of control. Liquors delivered to the board of control shall be dispensed by it to any state institution or reputable hospital in this state and solely for medical or scientific purposes.

Sec. 72. Duty of board of control. The state board of control shall issue to the said court or judge a receipt stating the kind and quantity of liquor delivered to it and shall keep a strict account of all liquors received and dispensed and shall make a full and complete report of all such transactions each year to the governor of the state.

Sec. 73. Destruction of instruments--sale of material. Said court or judge shall also direct that all instruments used in the manufacture of intoxicating liquors be converted by the sheriff into junk in such manner that they cannot again be used for manufacturing liquor, and shall direct the sheriff to destroy all material which has no value for any other purpose than making intoxicating liquor.

All material which may have legitimate uses and the junk referred to shall be sold by the sheriff as chattels under execution and all moneys realized therefrom shall be turned into the treasury for the benefit of the school fund of the county.

Sec. 74. Undisposed cases--duty of clerk. The clerk of the district court shall call to the attention of the court on the first day of each term all judgments for the forfeiture of intoxicating liquors, instruments, utensils, or materials, and for the disposition of which no order has been theretofore made and the court shall thereupon enter an order for the disposition of such liquors, instruments, utensils, or materials.

Sec. 75. Writ for destruction or disposition. Upon the entry of any order for the disposition of any intoxicating liquors, instruments or materials, which have been adjudged forfeited, the clerk shall forthwith transmit a certified copy thereof to the sheriff for execution.

Sec. 76. Execution and return. The sheriff shall immediately take possession of such liquors, instruments, utensils, or materials and the vessels containing the same, and make disposition thereof in accordance with such order, and make return of his doing to the court.

Sec. 77. Transportation by carrier. When any such liquor is ordered delivered or shipped, the sheriff shall securely attach to the box or package containing the same, a certified copy of the order of the court and thereupon any railroad company, express company, or other common carrier may receive, transport and deliver such liquor to the consignee.

The cost of packing and transportation shall be paid by the consignee receiving such liquor.

Sec. 78. Receipts and return. The sheriff shall take receipts for any liquor disposed of under the provisions of the preceding section, showing in detail the kind and quantity of liquor delivered, the character of the vessels containing the same, the date and manner of delivery and, if delivery is made by common carrier, the name of such carrier. Such receipt shall be attached to and filed with the return of his doings as herein provided.

Sec. 79. "Destruction" defined. The delivery, for medicinal or scientific purposes, of intoxicating liquors to state institutions, hospitals, or to the board of control, under an order of the district court, shall be deemed a destruction thereof within the meaning of any statute of this state providing for such destruction.

## CHAPTER 4

### SEIZURE AND SALE OF VEHICLES

Sec. 80. "Conveyance" defined. The term "conveyance" as used in this chapter shall embrace wagons, buggies, teams, automobiles, motor vehicles, water and air craft, and all other forms of conveyances except railway, street, and interurban cars.

Sec. 81. Seizure under transportation. A peace officer who discovers that intoxicating liquor has been, or is being, transported in violation of law, shall summarily arrest the offender and likewise seize said liquor and the conveyance used to effect said transportation.

Sec. 82. Replevin not available. A conveyance seized under the preceding section shall not be subject to replevin.

Sec. 83. Custody of conveyance. Said conveyance shall be turned over to the sheriff of the county in which the seizure was made, and shall be retained in his custody until disposed of as hereinafter provided.

Sec. 84. Release of conveyance. Said conveyance shall be returned to the owner upon execution by him of a good and valid bond with sufficient sureties in a sum double the value of the property, which said bond shall be approved by the sheriff of the county and shall be conditioned to pay the value of said car, when seized, to said sheriff in case a judgment of forfeiture be entered against said car.

Sec. 85. Information--return required. The officer shall at once file an information against the accused before some court of the county other than the district court. In addition to the information, the officer shall also file with the said court a written return or statement setting forth a brief description of the conveyance, liquors, and vessels seized.

Sec. 86. Forfeiture. The court, upon conviction of a person so arrested, shall enter an order of forfeiture of the liquors, vessels, and conveyance seized and forthwith file with the clerk of the district court a certified transcript of such order. The district court or a judge thereof shall, on such notice as the court or judge may prescribe, proceed to adjudicate the legality and priority of all claims to and liens on said vehicle, and shall proceed against said liquors and vessels as in case of transcripts filed in search warrant proceedings.

Sec. 86-a1. Optional procedure as to liquors. In lieu of declaring a forfeiture, under the last preceding section, of said liquors and vessels, the said court may, in any case, proceed against the said liquors and vessels, in the manner in which it would proceed had said liquors been seized on a duly issued search warrant.

Sec. 86-a2. Optional procedure as to conveyance. In lieu of declaring a forfeiture, under the second preceding section, of said conveyance, the said court may, in any case, proceed as provided in the first following section.

Sec. 87. Information against conveyance. An information, under oath, and in substantially the following form, shall be filed in the district court against a conveyance promptly upon the seizure thereof, to wit:

vs.

One certain automobile (or other conveyance as the case may be)

\_\_\_\_\_ being duly sworn do say on oath that (here describe the conveyance with reasonable certainty) was, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the county of \_\_\_\_\_, in the state of Iowa, employed in the transportation of intoxicating liquors in violation of law, and, because of such unlawful use, was at said time and place seized and is now in the custody of the sheriff of said county; that to the best knowledge and belief of this affiant said conveyance belongs to \_\_\_\_\_ . Wherefore it is asked that said conveyance be dealt with as provided by law."

Sec. 88. Procedure--exceptions. Upon the filing of said information, the procedure for the forfeiture of said conveyance shall be the same as is provided for the forfeiture of intoxicating liquors seized under search warrant, except in the following particulars:

1. Service of notice. The notice of hearing of forfeiture shall, in addition to the service provided in section fifty-three (53) of chapter three (3) of this title, be published once a week for two (2) weeks in some newspaper published in the city or county in which said conveyance was seized, and if the conveyance be a motor vehicle a copy of the aforesaid notice shall forthwith be mailed to the secretary of state.

2. Hearing. Said notice shall fix the day of hearing at a time not less than thirty (30) days after the notice is fully served.

3. Right to contest. The written claim of the owner or other claimant shall allege, under oath, that said conveyance was not being employed, when seized, in the unlawful transportation of intoxicating liquors, or that if it was being so employed such use was without the knowledge or consent, directly or indirectly, of said claimant.

4. Presumption. If it be made to appear that any intoxicating liquors were found in or on said conveyance when it was seized, it shall be presumed that the conveyance was, when seized, employed with the knowledge and consent of all claimants, in the unlawful transportation of such liquors.

5. Trial. The trial shall be by the court.

6. Judgment. A judgment of forfeiture shall direct that said conveyance be sold by the sheriff as chattels under execution, and a certified copy of such order shall constitute an execution.

Sec. 89. Duty of secretary of state. The secretary of state, upon receipt of the notice aforesaid, shall if the owner appears of record in his office, notify such owner of the fact of seizure, and if not of record, said secretary shall mail such description to the county treasurer of each county, and to the state bureau of investigation.

Sec. 90. Permissible claimant. No conveyance shall be returned to any claimant, either as owner or lien holder, nor shall any claim be established when such claimant:

1. Fails to establish a legal and bona fide claim, or
2. Knew or had reason to suspect that said conveyance was being employed in the illegal transportation of intoxicating liquors, or
3. Fails to overcome the presumption, if established, that such conveyance was being so used, with his knowledge and consent, or
4. Fails, in case of a motor vehicle, to establish the registration of the conveyance in the name of the claimant prior to the seizure, or

5. Fails to establish that his lien was duly recorded prior to the seizure.

Sec. 91. Priority of liens. The judgment shall establish the amount and priority of all allowable claims.

Sec. 92. Distribution of proceeds. The sheriff shall apply the proceeds of a sale, or of the forfeited bond in the following order:

1. Expense of keeping the conveyance.
2. Court costs.
3. Liens in the order established by the court.

Sec. 93. Balance to school fund. Any balance of said proceeds shall be paid by the sheriff to the county treasurer who shall credit the same to the county school fund.

Sec. 94. Duplicate receipts. The sheriff, in paying a balance to the county treasurer, shall take duplicate receipts therefor and file one of said receipts with the county auditor.

## CHAPTER 5

### INJUNCTION AND ABATEMENT

Sec. 95. Action to enjoin. Actions to enjoin nuisances may be brought in equity in the name of the state by the county attorney, who shall prosecute the same to judgment, or any citizen of the proper county may institute and maintain such a proceeding in his name.

Sec. 96. Temporary injunction. In such action the court, or a judge in vacation, shall, upon the presentation of a petition therefor, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge, by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the plaintiff may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented, that the nuisance complained of exists.

Sec. 97. Notice. Three days' notice in writing shall be given the defendant of the hearing of the application, and, if then continued at his instance, the writ as prayed shall be granted as a matter of course.

Sec. 98. Scope of injunction. When an injunction has been granted, it shall be binding on the defendant throughout the state, and any violation of the provisions of this title anywhere within the state shall be punished as a contempt, as provided in this chapter.

Sec. 99. Prompt trial. The action when brought shall be triable at the first term of court after due and timely service of notice of the commencement thereof has been given.

Sec. 100. Evidence of general reputation. In all actions to enjoin a nuisance or to establish a violation of the injunction, evidence of the general reputation of the place described in the petition or information shall be admissible for the purpose of proving the existence of the nuisance or the violation of the injunction.

Sec. 101. Attorney fees and commission. In all actions in equity against persons charged with keeping a nuisance, and to abate the same, and all proceedings for a contempt for violating any injunction, temporary or permanent, issued or decreed therein, the court or judge before whom the same shall be heard and determined shall, if the plaintiff be successful, allow the attorney prosecuting such cause an attorney's fee of twenty-five dollars (\$25.00), such fee to be assessed against the defendant, together with the costs in such cause and in case a fine shall be assessed he shall be allowed ten per cent of the fine collected.

Sec. 102. Dismissal of action. Such action, when brought by a citizen, shall not be dismissed upon the motion of either the plaintiff or defendant until the county attorney shall have been notified in writing of the filing of such motion, and until such county attorney shall have made a personal investigation of the place of business sought to be enjoined, and of all matters set forth in said motion for dismissal, and shall have filed, in writing, a report of his findings in said cause, and his recommendation in reference to the disposition of the same.

Sec. 103. Delay in trial. If any such action by a citizen shall remain upon the docket for two terms of court, without triar, it shall be the duty of the judge of such court to order the plaintiff and his attorney or attorneys of record, to appear in open court for examination as to the reasons why such cause has not been brought on for trial; and it shall be the duty of the county attorney to conduct such examination, if the judge shall so order.

Sec. 104. Bad faith in prosecution. Whenever the court shall have reason to believe that any such action to enjoin has not been brought or prosecuted in good faith said court shall direct the grand jury to investigate all the facts and circumstances connected with the bringing and prosecution of the same.

Sec. 105. Violation--procedure--warrant. In case of the violation of any injunction granted under the provisions of this title, the court, or in vacation a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue, under which the defendant shall be arrested.

Sec. 106 Method of trial. The trial shall be as in equity, and may be had upon affidavits, or either party may demand the production and oral examination of the witnesses.

Sec. 107. First conviction. A party found guilty of contempt under the provisions of the preceding section, shall for the first offense be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

Sec. 108. Second and subsequent convictions. A party who, having once been found guilty of contempt for violating the provisions of any such injunction, shall for each such subsequent violation be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than six months nor more than one year.

Sec. 109. Bootleggers. A bootlegger, as defined in this title, may be restrained by injunction from doing or continuing to do any of the acts prohibited by law, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person, company or corporation, and the fact that an offender has no known or permanent place of business or base of supplies, or quits the business after the commencement of an action shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Sec. 110. Judgment of abatement. If the existence of the nuisance be established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case; which order shall direct the destruction of the liquor, the removal from the building or place of all fixtures, furniture, vessels or movable property used in any way in conducting the unlawful business and sale thereof, in the manner provided for the sale of chattels under execution, and the effectual closing of the building, erection or place against its use for any purpose prohibited in this title, and so keeping it for a period of one year, unless sooner released.

Sec. 111. Use of abated premises. If anyone shall break or use a building or place so directed to be closed, he shall be punished as for contempt as provided in this title.

Sec. 112. Fees. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Sec. 113. Proceeds--how applied. The proceeds of the sale of the personal property in abatement proceedings shall be applied, first, in payment of the costs of the action and abatement; second, to the satisfaction of any fine and costs adjudged against the proprietor of the premises and keeper of said nuisance, and the balance, if any, shall be paid to the defendant.

Sec. 114. Abatement after judgment. If the owner appears and pays all costs of the proceedings, and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk, auditor and treasurer of the county, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court, or, in vacation, the judge, may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement canceled so far as the same may relate to said property.

Sec. 115. Abatement before judgment. If the proceeding be an action in equity, and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only.

Sec. 116. Effect of release. The release of the property under the provisions of either to the two preceding sections shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

Sec. 116-a1. Abatement bonds--liens on real estate. Undertakings of bond for abatement, shall, immediately after filing by the clerk of the district court, be docketed and entered upon the lien index as required for judgments in civil cases, and, from the time of such entries, shall be liens upon real estate of the persons executing the same, with like effect as judgments in civil actions.



Sec. 116-a2. Attested copies filed in proper counties. Attested copies of such undertakings may be filed in the office of the clerk of the district court of the county in which the real estate is situated, in the same manner and with like effect as attested copies of judgments, and shall be immediately docketed and indexed in the same manner.

Sec. 116-a3. Forfeiture of abatement bond. If the owner of the property who has filed said abatement bond as in this chapter provided, fails to abate the said liquor nuisance on the premises covered by the bond or fails to prevent the maintenance of any liquor nuisance on said premises at any time within the period of one year, the court must, after a hearing in which the said fact is established, direct an entry of such violation of the terms of his said bond, to be made on the record, and the undertakings of his bond is thereupon forfeited.

Sec. 116-a4. Procedure. The proceeding to forfeit said abatement bond shall be commenced by filing with the clerk of the court, by any citizen of the county where the bond is filed, an application, under oath, to forfeit said bond, setting out the alleged facts constituting the violation of the terms of said bond, upon which the judge or court shall direct by order attached to said application, that a notice be issued by the clerk of the district court, directed to the principal and sureties on said bond, to appear at a certain date fixed, to show cause, if any they have, why the said bond should not be forfeited and judgment entered for the penalty therein fixed.

Sec. 116-a5. Method of trial. The trial shall be to the court and as in equity and be governed by the same rules as to evidence as in contempt proceedings.

Sec. 116-6. Judgment. If the court, after hearing, finds that a liquor nuisance has been maintained on the premises covered by the abatement bond and that liquor has been sold or kept for sale on the premises contrary to law, within one year from the date of the giving of said bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of said bond against the principal and sureties thereon and the lien on the real estate heretofore created, shall be decreed foreclosed and shall provide for a special and general execution for the enforcement of said decree and judgment.

Sec. 116-a7. Appeal. Appeal may be taken as in any equity case and the cause be triable de novo, except that if applicant for forfeiture appeals, he need not file appeal or supersedeas bond.

Sec. 116-a8. Limitation of actions of forfeiture. No application for forfeiture of abatement bond shall be considered or heard unless the same has been filed within one year after the termination of the one year period covered by the said bond, and after said period herein provided has fully elapsed the bond shall be deemed absolutely void and the lien created thereby fully satisfied.

Sec. 116-a9. County attorney to prosecute. It shall be the duty of the county attorney to prosecute all forfeitures of abatement bonds and the foreclosure of the same.

Sec. 117. Advance payment of fees. In an action brought by a citizen to enjoin a nuisance, as defined in this title no officer or witness shall be entitled to receive in advance fees for service or attendance.

Sec. 117-a1. Prompt service of papers by peace officers. It shall be a misdemeanor for any peace officer to delay service of original notice, writ of injunction, writ of abatement or warrant for contempt, in any equity case filed for injunction or abatement, either by state or private citizen, under this chapter.

Sec. 118. Costs. If a prosecution brought by a citizen fails, or the costs can not be collected of the defendant, they shall be paid in the same manner as in criminal causes. If, however, the court shall find that the case was commenced without probable cause, or was maliciously brought, it may tax the costs to the plaintiff.

Sec. 118-a1. Mulet tax. When a permanent injunction shall issue against any person for maintaining a nuisance as herein defined or against any owner or agent of the building kept or used for the purposes prohibited by this title, a tax shall be imposed upon said building and upon the ground upon which the same is located, and against the persons maintaining said nuisance and against the owner or agent of said premises, when they knew or ought, in reason, to have known of said nuisance.

Sec. 118-a2. Amount, manner, and effect of imposition. Said tax shall be in the sum of six hundred dollars (\$600.00) and shall be imposed in the same manner and with the same consequences as governs the imposition of a tax in injunction proceedings against places used for the purpose of lewdness, assignation, or prostitution.

Sec. 118-a3. Evidence. On the issue, whether a party knew or ought to have known of such nuisance, evidence of the general reputation of the place shall be admissible.

## CHAPTER 6

### CIVIL ACTIONS AND LIABILITY

Sec. 119. Liability for care of intoxicated person. Any person who shall by the manufacture, sale or giving away of intoxicating liquors, contrary to the provisions of this title, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and five dollars per day in addition thereto for every day such intoxicated person shall be kept, in consequence of such intoxication, which sums may be recovered in a civil action before any court having jurisdiction thereof.

Sec. 120. Civil action for damages. Every wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name against any person who shall, by selling or giving to another contrary to the provisions of this title any intoxicating liquors, cause the intoxication of such person, for all damages actually sustained, as well as exemplary damages.

Sec. 121. Married women. A married woman shall have the same right, under the preceding section, to bring suits, prosecute, and control the same and the amount recovered, as if a single woman.

Sec. 122. Damages recovered by minor. All damages recovered by a minor under the second preceding section shall be paid either to such minor or his parent, guardian or next friend, as the court shall direct.

Sec. 122-a1. **Illegal transportation.** Any person, firm, or corporation, and any agent or employee thereof, who engages in the transportation of intoxicating liquors shall for each act of transportation be fined in a sum not exceeding one thousand dollars (\$1000.00) or be imprisoned in the county jail not exceeding one (1) year or be punished by both such fine and imprisonment and pay the cost of prosecution, including a reasonable attorney fee to be taxed by the court.

Sec. 122-a2. **Defenses.** In any prosecution under this title for the unlawful transportation of intoxicating liquors it shall be a defense:

1. That the character and contents of the shipment or thing transported were not known to the accused or to his agent or employee, or
2. That the purchase and transportation of said liquors was authorized by a law of this state.

Sec. 122-a3. **Venue.** In any prosecution under this title for the unlawful transportation of intoxicating liquors, the offense shall be held to have been committed in any county in the state in which the liquors are received for transportation, through which they are transported, or in which they are delivered.

Sec. 123. **Principal and surety.** Where anyone is required under the provisions of this title to give bond, the principals and sureties shall be jointly and severally liable for all civil damages and costs which may be adjudged against the principal for any violation of any of the provisions of this title.

Sec. 124. **Recovery of payments.** All payments or compensation for intoxicating liquor sold in violation of this title, whether such payments or compensation be in money or anything else whatsoever, shall be held to have been received in violation of law, and to have been received upon a valid promise and agreement of the receiver to pay on demand to the person furnishing such consideration the amount of said money, or the just value of such other thing.

Sec. 125. **Contracts invalidated.** All sales, transfers, leases and securities of every kind which either in whole or in part shall have been made for or on account of intoxicating liquors sold in violation of this title shall be null and void against all persons, and no rights of any kind shall be acquired thereby.

Sec. 126. **Action prohibited.** No action shall be maintained for intoxicating liquors or the value thereof, sold in any other state or country, contrary to the law of said state or country, or with intent to enable any person to violate any provision of this title nor shall any action be maintained for the recovery or possession of any intoxicating liquor, or the value thereof, except in cases where persons owning or possessing such liquor with lawful intent may have been illegally deprived of the same.

Sec. 127. **Good faith holders.** Nothing in the three last preceding sections shall affect in any way negotiable paper in the hands of holders thereof in good faith for valuable consideration, without notice of any illegality in its inception or transfer, or the holders of land or other property who may have taken the same in good faith, without notice of any defect in the title of the person from whom the same was taken, growing out of a violation of the provisions of this title.

Sec. 128. **Attempt to collect prohibited.** The collection of payment, the solicitation of payment, and all attempts directly or indirectly, to collect payment within this state for intoxicating liquor sold or shipped within or into this state to be used for illegal purposes within this state, is hereby prohibited and made illegal, and the violation hereof is hereby made a misdemeanor.

Sec. 129. Injunction to restrain collection. Every person, who for himself or for another, violates any of the provisions of the preceding section, may be restrained by injunction from continuing to do any of the acts therein prohibited, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person.

Sec. 130. Termination of lease. Upon a violation of any provision of this title committed upon real estate occupied by a tenant, his agent, servant, clerk, employee or anyone claiming under him, the landlord of such premises, by himself or agent, may, in writing, notify such agent, tenant, or the person in possession of said leased premises, to the effect that he has terminated such lease and demands possession thereof within three days after the giving of such notice, and, after the expiration of said three days, may recover possession thereof in an action of forcible entry and detainer, without further notice to quit, upon proof of the violation of any provision of this title committed upon such real estate and of the giving of such notice.

Approved March 17, 1924.

## CHAPTER 36

### HOUSES OF PROSTITUTION

#### H. F. 52

AN ACT to amend, revise, and codify sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, and sections ten hundred thirty-two (1032), ten hundred thirty-five (1035), and ten hundred thirty-six (1036) of the compiled code of Iowa, relating to houses of prostitution.

Be It Enacted by the General Assembly of the State of Iowa:

That sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Houses of prostitution - equipment - nuisance - injunction. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purposes of lewdness, assignation, or prostitution is guilty of a nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, or prostitution is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided.

Sec. 2. Injunction - procedure. When a nuisance is kept, maintained, or exists, as defined in this chapter, the county attorney, or any citizen of the county, or any society, association, or body incorporated under the laws of this state, may maintain an action in equity in the name of the state of Iowa, upon the relation of such county attorney, citizen, or corporation to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same from further conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists, from further permitting such building or ground or both to be so used.