

the state and the defendant shall each have the right to peremptorily challenge four jurors and shall strike two jurors.

If the offense charged be a misdemeanor other than that specified above, the state and the defendant shall each have the right to peremptorily challenge two jurors and shall strike two jurors.

Sec. 2. Clerk to prepare list - procedure. The clerk shall prepare a list of jurors called and after all challenges for cause are exhausted or waived, the parties, commencing with the state, shall alternately challenge peremptorily or waive by indicating any such challenge upon the list opposite the name of the juror challenged or by indicating the number of waiver elsewhere on the list.

Approved January 11, 1924.

## CHAPTER 185

### PERMITS TO SELL INTOXICATING LIQUORS

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#### S. F. 283

AN ACT to amend, revise, and codify sections nine hundred twenty (920) to nine hundred fifty-one (951), inclusive, of the compiled code of Iowa, relating to the sale and transportation of intoxicating liquors under permits.

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

That sections nine hundred twenty (920) to nine hundred fifty-one (951), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

## CHAPTER \_\_\_\_\_

### PERMITS TO LICENSED PHARMACISTS

Section 1. Permits authorized. A licensed pharmacist may, in the manner hereinafter provided, obtain a permit to buy, keep, and sell intoxicating liquors, except malt liquors, for medical purposes.

Sec. 2. Petition for permit. All applications for a permit to sell intoxicating liquors for the purpose allowed in this chapter shall be by petition, in which the applicant shall show:

1. His name.
2. His residence and business at the time of making the application and during the two preceding years.
3. That he is a citizen of the United States and of this state.
4. That he is a registered pharmacist and is operating and for the last six months has lawfully operated a regular prescription pharmacy or drug store in the town, city or township in which he proposes to engage in the business under the permit applied for and that he owns not less than one-half interest in said pharmacy or drug store and desires a permit to buy, keep, and sell liquors for medicinal purposes only.
5. The place, particularly describing it, where the business is to be conducted.
7. That he has not been adjudged guilty of any violation of the law relating to intoxicating liquors and has never forfeited or surrendered

a permit to sell intoxicating liquors in order to avoid a prosecution for a violation of the laws relating to intoxicating liquors.

8. That he is not the keeper of a hotel, eating house, saloon, restaurant, or place of public amusement, nor are any of said named businesses located in his said place of business or directly connected therewith.

9. That he is not addicted to the use of intoxicating liquors as a beverage, and that he will not, while holding a permit, employ or retain in his employment any person in his said business who is known to him to be so addicted.

Sec. 4. Signing, verification, and filing. Said petition shall be signed and sworn to by the applicant, and filed in the office of the clerk of the district court of the county in which the buying and selling is to be carried on, at least ten days before the term at which the matter is to be for trial.

Sec. 5. Notice of application. Notice of an application for a permit shall state the name of the applicant, with the firm name, if any, under which he is doing business, the purpose of the application, the particular location of the place where the proposed business is to be carried on; that the required petition is or will be on file in the clerk's office of the court, naming it, at least ten days before the first day of the term, naming it, when the application will be made.

Sec. 6. Service of notice. Said notice must be served in the following manner:

1. By publication thereof once each week for three consecutive weeks in a newspaper regularly published and printed in the English language, and of general circulation in the township, town or city where the applicant proposes to conduct the business, or, if none be regularly published therein, then in one of the papers selected by the board of supervisors for the publication of its proceedings, the last publication of which shall be not less than ten nor more than twenty days before the first day of the term at which the hearing is to be had.

2. By serving a copy of said notice personally upon the county attorney in the same manner and for the same length of time as is required of original notices in said courts.

Sec. 7. Appearance. The county attorney shall appear in all cases, and any number of persons, not less than five, filing any remonstrance, may also appear in person or by counsel and resist the application.

Sec. 8. Hearing. All applications shall be tried at the first term after completed service has been made of the required notice, if the business of the court shall allow.

Sec. 9. Hearing in vacation. If for any reason the application can not be tried in term time, the same may be heard by the judge in vacation, at a time to be fixed by the court and made of record.

Sec. 10. Consolidation of applications. If more than one permit is applied for in the same locality, the applications shall be heard at the same time, unless for cause shown it be otherwise ordered.

Sec. 11. Remonstrances - filing limit. The county attorney, or one or more citizens of the county wherein the application is made, may file a written

remonstrance against the granting of the permit. All remonstrances shall specifically state the reasons therefor, and be filed in the clerk's office by noon of the first day of the term, unless further time be given, and shall be so filed before the day fixed for the trial.

Sec. 12. Limitation on granting permit. No permit shall be granted unless the court shall find from competent evidence that all the averments in the petition are true, that the reasonable convenience and necessities of the people, considering the population and all the surroundings, make the granting of the permit proper, and that the applicant is possessed of the character and qualifications required, worthy of the trust to be reposed in him, and likely to discharge the same with fidelity. Any licensed pharmacist who has been or is hereafter convicted of violating any provision of any statute relating to intoxicating liquors, or who for the purpose of avoiding a prosecution for such violation, has surrendered or hereafter surrenders a permit issued under this chapter, shall be forever barred from securing a permit under this chapter. The court may grant or refuse any or all applications.

Sec. 13. Bond. No permit shall issue until the applicant shall execute to the state 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 the state 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 time for which the permit is granted.

Sec. 14. Liability of sureties. The principal and sureties in said bond shall be liable thereon, jointly and severally, for all civil damages and costs that may be recovered against the principal in any action brought by a wife, child, parent, guardian, employer, or other person under the provision of this title.

Sec. 15. Custody of bond - action. The bond, after being approved and recorded by the clerk, shall be deposited with the county auditor, and suit may be brought thereon at any time by the county attorney, or by any person for whose benefit the same is given.

Sec. 16. New bond - cancellation of permit. If at any time the sureties on the bond shall file with the court or clerk a written request for release, or become insolvent, or be deemed insufficient by the court granting the permit, or its clerk, such court or clerk shall require a new bond to be executed within a reasonable time to be fixed. If the permit holder fails or neglects to furnish a new bond within the time so fixed, the permit shall from that date become null and void.

Sec. 17. Proceeds of forfeiture. The clear proceeds of all money which may be collected by the state for breaches of the bond shall go to the school fund of the county.

Sec. 18. Oath. In addition to giving the bond required, the applicant shall take and subscribe the following oath, which shall be indorsed upon the bond: "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 in-

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 intoxicated person, or persons who are in the habit of becoming intoxicated; and I will make true, full, and accurate reports as required by law; and said reports shall show every sale and delivery of such liquors made by me, or for me, during the months embraced therein, and all the intoxicating liquors sold or delivered to any and every person, as returned.

Sec. 19. Issuance of permit. Upon taking said oath, filing said bond, and paying the costs and fee herein provided, the clerk of the court shall issue a permit to the applicant authorizing him to buy, keep, and sell intoxicating liquors, not including malt liquors, for medical purposes, as hereinafter provided.

Sec. 20. Location and tenure. The permit so issued shall specify the building, giving the street and number or location, in which intoxicating liquors may be sold by virtue of the same, and the length of time, not exceeding five (5) years, the same shall be in force, unless sooner revoked.

Sec. 21. Fee. On and after January first, nineteen hundred twenty-five (1925), each permit holder under this chapter shall, on the first day of January, April, July and October of each year, pay into the county treasury, as a fee for the granting of such permit, all proceeds of all sales of intoxicating liquors in excess of two hundred per cent (200%) of the wholesale price of such liquors.

Sec. 21-a. The pharmacy examiners shall from time to time fix the fair and reasonable wholesale price of intoxicating liquors for all points in this state and furnish such price lists to permit holders. The fixing of said prices shall be for the sole purpose of furnishing a basis for the computation of said fee.

Sec. 22. Limitation of sales. A permit in making sales under his permit shall comply with the following:

1. Only spirituous and vinous liquor, the sale of which has been authorized by federal statutes or regulations and upon which the federal internal revenue tax has been paid, shall be sold.

2. Sales shall be made only on prescriptions which have been issued in accordance with federal and state statutes and regulations, and which have been issued by physicians licensed under the laws of this state and actually and in good faith engaged in this state in the general practice of their profession.

3. No permit holder shall sell or furnish, on any prescription, any vinous liquor that contains more than twenty-four (24) per cent of alcohol by volume, nor sell or furnish on any prescription more than one-fourth (1/4) of one (1) gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half (1/2) pint of alcohol, for use by any person within any period of ten (10) days.

4. No prescription for said liquors shall be filled if the permit holder has reason to believe that the physician issuing the same is prescribing for other than medical purposes or that a patient is securing, through one or more physicians, quantities of such liquors in excess of the amount necessary for medical purposes or in excess of the aggregate amount specified in paragraph three (3) above.

5. No prescription for liquor shall be filled except by the permit holder himself or by a pharmacist licensed under the laws of this state and in the employ of such permit holder.

6. No prescription shall be filled more than once.

Sec. 22-a1. Request. Before selling or delivering any intoxicating liquors, a written request therefor must, after being fully, accurately and legibly filled out in ink, in the presence of the applicant, and by the person making the sale, be signed by the applicant in his true name, and attested by the holder of the permit.

Sec. 22-a2. Form. Said written requests shall be in the following form:  
Stub

No. \_\_\_\_\_ (Official Form \_\_\_\_\_ Series \_\_\_\_\_)

CERTIFIED REQUEST OF PURCHASERS

No. \_\_\_\_\_, Iowa, \_\_\_\_\_ 19 \_\_\_\_\_

To \_\_\_\_\_ Reg. Phar. No. \_\_\_\_\_

I hereby make request for the purchase of the following intoxicating liquors:

AMOUNT KIND

\_\_\_\_\_, 19 \_\_\_\_\_  
Purchaser \_\_\_\_\_  
Address \_\_\_\_\_  
Purchase \_\_\_\_\_  
For whom \_\_\_\_\_  
Address \_\_\_\_\_  
Certifier \_\_\_\_\_  
Address \_\_\_\_\_

My true name is \_\_\_\_\_. I am not a minor, and reside in \_\_\_\_\_ township (or town of \_\_\_\_\_) at No. \_\_\_\_\_ in the county of \_\_\_\_\_, State of \_\_\_\_\_.

The actual purpose for which this request is made is to obtain said liquor for \_\_\_\_\_, residing at

No. \_\_\_\_\_, township \_\_\_\_\_, (or town of \_\_\_\_\_). County of \_\_\_\_\_, state of \_\_\_\_\_, who is a member of my immediate family, (or a patient unable, because of illness, to call for the same) and the same is desired for medicinal use and is to fill a prescription issued to \_\_\_\_\_

by Dr. \_\_\_\_\_, who offices at No. \_\_\_\_\_, township or town of \_\_\_\_\_, county, state of \_\_\_\_\_, and the same was issued to me in strict compliance with federal statutes and not in evasion thereof, and neither myself nor the said \_\_\_\_\_ habitually use intoxicating liquors as a beverage, nor do we intend to use the above named liquor for that purpose.

(Signature of purchaser)

(If the applicant is unknown to the permit holder, the blank below shall also be filled out and signed by a witness.)

I, \_\_\_\_\_, hereby certify that I am acquainted with \_\_\_\_\_, the applicant for the purchase of the foregoing described liquors and the said \_\_\_\_\_ 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 foregoing request and my residence is  
No. \_\_\_\_\_ street, state of \_\_\_\_\_.

\_\_\_\_\_  
(Signature of certifier)

Attested by \_\_\_\_\_

Registered Pharmacist No. \_\_\_\_\_

Sec. 22-a3. Furnishing of blanks. The blanks for such requests shall, with proper stubs, in all cases, be printed in book form and shall be furnished to the permit holder at cost by the county auditor of the county in which such permit is in force, and shall contain the facsimile signature of the county auditor; both stub and request shall be numbered consecutively.

Sec. 22-a4. Preservation and inspection. The permit holder shall preserve the stub in book form and shall keep them at all times, subject to the inspection of the pharmacy examiners, the county attorney, any grand jury, peace officer, or justice of the peace in the county in which the permit is in force.

Sec. 22-a5. Duty to refuse request. The request shall be refused unless the permit holder has reason to believe the statements to be true, and in no case granted unless the permit holder filling it, personally knows the person applying is not a minor, intoxicated nor in the habit of using intoxicating liquors as a beverage.

Sec. 22-a6. Identification required. If the applicant is not so personally known, before filling the order or delivering the liquor, the permit holder shall require identification and the statement, in writing, of a reliable and trustworthy person, of good character and habit, known personally to him, that the applicant is not a minor nor 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. Said statement so made shall be legibly signed by the witness in his own name, stating his address correctly.

Sec. 22-a7. Penalties. If any person shall make any false or fictitious signature, or sign any name other than his own, to any request for the purchase of intoxicating liquors, as heretofore provided, or as may be hereinafter provided, or to any other paper required to be signed, or make any false statement in any paper or application or request, signed to procure liquors, he shall be punished by a fine of not less than twenty dollars (\$20.00), nor more than one hundred dollars (\$100.00) and costs of prosecution, and shall be committed until said fine and costs are paid, or shall be imprisoned not less than ten (10) nor more than thirty (30) days.

Sec. 23. Change in location. Upon the expiration of the lease or the destruction of the building where such business is conducted, or for other good and sufficient cause shown, consent in writing of the bondsmen having been obtained therefor, or a new bond given, the district court of the county which granted said permit, or a judge of said court, may change the place specified in said permit to some other place in the same city, town, or township upon motion therefor.

Sec. 24. Notice to county attorney. A copy of the application mentioned in the last preceding section, and notice of the time when and the place where the same will be heard, shall be given to the county attorney of the county where said place is situated, at least five days before said hearing.

Sec. 25. Violations. If any holder of a permit shall sell, give, dispose of, or use intoxicating liquors in any manner or for any purpose other than for medical purposes as heretofore authorized, he shall be liable to all the penalties and proceedings provided for in this title.

Sec. 25-a1. Prescriptions prohibited. No physician shall issue a prescription for vinous or spirituous liquors for other than medical purposes, or in excess of the amount reasonably necessary for such purposes or in excess of the quantity heretofore specified nor shall he issue or deliver such prescription to a person when he has reasonable grounds for believing that such person will use the liquors obtained thereunder for beverage purposes.

Sec. 25-a2. Record of prescriptions. Every physician shall keep, in his own handwriting and in his office, a permanent, legibly written, record in ink of every prescription for intoxicating liquors issued by him. Said record shall be alphabetically arranged under the name of the patient and shall show:

1. The date of the prescription.
2. The amount and kind of liquors prescribed.
3. The name of the patient and his postoffice address, including street number, if any.
4. The name of the person to whom the prescription was delivered and his postoffice address, including street number, if any.
5. The purpose or ailment for which the liquors are prescribed.
6. The directions for the use of said liquors, including the amount and frequency of the dose.

Sec. 25-a3. Reports filed. Every physician shall, on or before the twentieth day of January, April, July, and October, each year, file with the county auditor of the county of his residence an exact duplicate of the record provided for in the last preceding section. Each filing shall cover the three (3) calendar months preceding the filing.

Sec. 25-a4. Oath. Said physician shall securely attach to each duplicate record so filed by him his oath in the following form:

"I, \_\_\_\_\_ do say on oath that the hereto attached record is an exact duplicate of the record of prescriptions kept by me in my office for the months of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, 19\_\_\_\_; that said record has been accurately prepared and kept by me and shows every prescription for intoxicating liquors issued and delivered by me during said months; that I have in no case issued a prescription for such liquors for other than medical purposes or for a quantity of such liquors in excess of the amount reasonably necessary for said purposes, or for a quantity of such liquors in excess of the quantity permitted by state or federal statutes and regulations; nor have I issued such prescription to a person when I had reason to believe that such person would use the liquors obtained thereunder for beverage purposes."

Sec. 25-a5. Penalty - suspension. Upon conviction for a violation of

any provision of the four preceding sections, the court, as a part of the judgment, shall order the certificate or license of such physician to practice his profession suspended for a period of not less than one (1) year nor more than five (5) years.

Sec. 25-a6. Effect of suspension. During the period of such suspension such physician shall be wholly barred from the practice of his profession in this state, and the clerk of said court shall forthwith notify the state department of health of such suspension and the period thereof; any physician practicing or attempting to practice his profession during the interim of such a suspension shall be guilty of a misdemeanor.

Sec. 25-a7. Conviction in federal courts. When a physician or pharmacist, licensed under the laws of this state, is convicted in any federal court of this state of a violation of the federal statutes or regulations relating to intoxicating liquors, or to narcotics, and said judgment has become final, the county attorney of the county where said physician or pharmacist resides shall forthwith file in the office of the clerk of the district court of said county a duly certified copy of said judgment and thereupon said district court, or a judge thereof, shall, on such notice to the defendant in said judgment as the court or judge may prescribe, enter an order suspending for a period of not less than one (1) year nor more than five (5) years the license of such physician or pharmacist to practice his profession in this state. In such proceeding the county attorney shall appear on behalf of the state.

Sec. 26. Revocation of license to practice pharmacy. Upon proof of such violation by a licensed pharmacist, the court shall order his license revoked without the formality of a special proceeding for that purpose as provided in the title dealing with "The practice of certain professions affecting the public health". In such event the clerk shall notify the state department of health as provided in such title.

Sec. 27. Records. The clerk of the court shall preserve as a part of the record and files all papers, except bonds, pertaining to the granting or revocation of permits; and keep suitable books in which bonds and permits shall be recorded.

Sec. 28. Costs. 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. The fees shall be as provided in actions at law in the district court.

Sec. 29. False oath. If any permit holder or his clerk shall make false oath touching any matter required to be sworn to, the person so offending shall be punished as provided by law for perjury.

Sec. 30. False return. If any person holding a permit under this chapter purchases or procures any intoxicating liquor otherwise than as herein authorized, or fails to make the reports to the county auditor in the time or form required, or makes any false return to the county auditor, or fills a prescription for intoxicating liquors more than once, he shall be guilty of a misdemeanor and punished accordingly.



**Sec. 34. Civil and criminal liability.** Every permit holder or his clerk, violating this chapter, shall be subject to all the penalties, forfeitures and judgments, and may be prosecuted by all the proceedings and actions, criminal and civil, whether at law or in equity, provided for or authorized by this title, and the permit shall not shield any person who abuses the trust imposed by it or violates the law.

**Sec. 35. Destruction of liquor.** In case of conviction in any proceeding, civil or criminal, the liquors in possession of the permit holder shall by order of the court be destroyed.

**Sec. 36. Evidence.** On the trial of an 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 law, the prescriptions for liquors, and returns made to the auditor, 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 sobriety or otherwise of the purchasers, shall be competent evidence, and may be considered, so far as applicable to the particular case.

**Sec. 37. Production of books and papers.** In any suit, prosecution or proceeding under this chapter, the court shall compel the production in evidence of any books or papers required to be kept, by either federal or state statutes.

**Sec. 38. Revocation of permit.** Permits shall be deemed trusts reposed in the recipients, and may be revoked, upon sufficient showing, by order of a court or judge. Complaint may be presented at any time to the district court or a judge thereof, which shall be in writing and signed and sworn to by three citizens of the county in which the permit was granted.

**Sec. 39. Service of complaint.** A copy of the 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.

**Sec. 40. Suspending permit.** If continued or appealed at the instance of the permit holder, his permit may, in the discretion of the court, be suspended during the controversy.

**Sec. 41. Trial and judgment of revocation.** The complainant and accused may be heard in person or by counsel, or both, and proofs 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 that liquors are sold by the accused or his employees in violation of law, or dispensed unlawfully, or that he has in any proceeding, civil or criminal, been adjudged guilty of violating any of the provisions of this title, the court or judge shall revoke and set aside the permit.

**Sec. 42. Record - entry of order.** The papers and order in such case shall be immediately returned to and filed by the clerk of the court, and, if heard by a judge, the order shall be entered of record as if made in court.

**Sec. 43.** (This section number omitted to avoid renumbering all following sections.)

Sec. 44. Automatic revocation. If for any cause a licensed pharmacist who holds a permit shall cease to hold a valid license, his permit shall be forfeited and be null and void.

Sec. 45. Clerks. The acts of clerks employed by a permit holder in conducting his business shall be considered the acts of the permit holder, who shall be liable therefor as if he had personally done them.

Sec. 46. Partners. A partner who is a licensed pharmacist, not holding a permit, shall have the same rights and be subject to the same restrictions as clerks, and for his acts the permit holder shall be held responsible the same in all respects as for his clerks.

Sec. 47. Death of permit holder. In case a permit holder shall die, his personal or legal representative may continue the business, subject to the provisions hereof, through the agency of any reputable licensed pharmacist, upon the approval of the court granting such permit, or judge thereof, and the giving of a bond as hereinbefore provided.

Sec. 48-a1. Existing permits. All unexpired, uncanceled, and unrevoked permits to licensed pharmacists to sell and dispense intoxicating liquors, which have heretofore been issued under prior statutes, shall be deemed issued under and subject to the provisions of this chapter.

#### CHAPTER \_\_\_\_\_

#### PERMITS TO WHOLESALE DRUGGISTS

Sec. 49. Wholesale drug corporation. A corporation which is located and doing a wholesale drug business within this state may be granted a permit to purchase and sell intoxicating liquors, not including malt liquors, for the purpose hereinafter specified, and for use in compounding and manufacture of patent and proprietary medicines, toilet articles, tinctures, extracts, and other like commodities, none of which is susceptible to use as a beverage but which requires as one of its ingredients alcohol or vinous liquor.

Sec. 49-a1. Application. Application for such permit shall be by petition which shall show:

1. The name of the corporation, and that it is actually engaged within this state in the wholesale drug business.

2. The place, particularly describing it, where said business will be conducted and where sales will be made under the proposed permit.

3. That neither said corporation nor any person financially interested therein has been adjudged guilty of any violation of the law relating to intoxication liquors.

4. That one or more licensed pharmacists, specifically naming them, are financially interested in said corporation and actually engaged in the conduct of said business and will have personal charge of the sales of said liquors in case the permit is granted, and are not users of intoxicating liquors as a beverage.

5. Sworn verification by some managing officer of the corporation.

Sec. 50. Procedure. The petition shall be filed in the district court and all laws pertaining to permits granted to individual licensed pharmacists, in so far as applicable and not herein otherwise provided, shall apply to said application by a wholesale druggist and to the permit issued thereon.

Sec. 51. Name of pharmacist. A permit to a wholesale drug corporation, in addition to all other requirements, shall specify the name of each licensed pharmacist who will have personal charge of sales under said permit.

Sec. 51-a. Substitute authorized. Should said pharmacist die or for any other reason terminate his connection with the permit holder, the district court or a judge thereof may, on written application by the permit holder, and on notice to the county attorney, order the substitution in said permit of the name of some other proper pharmacist.

Sec. 52. Unlawful sales. Sales of liquors not made under the personal supervision of a pharmacist named in said permit, shall be illegal and shall automatically cancel said permit.

Sec. 53. Permit and authority thereunder. The permit issued to a wholesale drug corporation shall authorize said corporation, under the limitations herein provided, to sell:

1. Alcohol for specified chemical and mechanical purposes to persons, firms, and corporations who have qualified, under federal and state statutes and regulations, to purchase and use alcohol for such purposes.

2. Alcohol and wine for the purpose of manufacturing patent and proprietary medicines and toilet articles and compounding medicines, tinctures, extracts or other like commodities, none of which are susceptible of use as a beverage, to pharmacists who are registered under the laws of this state and who are actively engaged in this state in the retail drug business and in such compounding.

3. Alcohol and wine for the purpose of manufacturing patent and proprietary medicines and toilet articles and compounding medicines, tinctures, extracts, or other like commodities, none of which are susceptible of use as a beverage, to firms or corporations which are actively engaged in this state in the retail drug business and in compounding such medicines, tinctures, extracts, or other like commodities under the immediate supervision of a pharmacist licensed under the laws of this state.

4. Alcohol and wines for the purpose of manufacturing patent and proprietary medicines, tinctures, extracts, toilet articles and perfums or other like commodities, which require such liquors as an ingredient thereof and which are not susceptible of use as a beverage, to persons, firms, and corporations who are holders of permits to so manufacture.

5. Intoxicating liquors to licensed pharmacists holding a permit to sell such liquors on prescriptions for medical purposes.

6. Intoxicating liquors to manufacturing and industrial establishments for the purpose of furnishing first-aid treatment to injured persons as defined by federal statutes and regulations.

7. Intoxicating liquors for medical purposes, to bona fide hospitals or sanatoriums engaged in the treatment of persons suffering from recognized diseases and ailments.

8. Intoxicating liquors for medical purposes to bona fide hospitals or sanatoriums engaged in the treatment of chronic alcoholism by the tapering-off method.

9. Intoxicating liquors to licensed physicians for the purpose of use by them in accordance with federal statutes or regulations or in

accordance with state statutes, for compounding such preparations as are necessary for use in their professional practice, and for sterilization and laboratory purposes.

10. Alcohol to licensed dentists for the purpose of sterilization, annealing gold, or other like nonbeverage purposes.

11. Alcohol to licensed veterinarians for any legitimate nonbeverage purpose.

12. Alcohol and other intoxicating liquors to any person, firm or corporation located and doing business in any foreign state and legally entitled to purchase and receive such liquors under the laws of such foreign state.

The term "intoxicating liquors" as used in this section shall not embrace malt liquors.

Sec. 54. Good faith practice required. The term "licensed physician", "licensed dentist", or "licensed veterinarian" as employed in the last preceding section shall be construed to embrace only those persons who are in good faith and actively engaged in the general practice of their respective professions.

Sec. 54-a. Interpretative clause. 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.

Sec. 55. Limitation. The authority granted to a wholesale druggist to sell intoxicating liquors shall in no case authorize a sale in a quantity in excess of that authorized by federal or state statutes and regulations.

Sec. 57. Manner of sale. Such sale shall be made only on the written signed request of the purchaser. Said request shall also be countersigned by the licensed pharmacist, who has charge of the sale, with his name, the number of his license, and the date the liquors are delivered for transportation.

Sec. 58. Form, contents, and requirements. The form, contents, and requirements of said written requests shall be substantially as follows:

" \_\_\_\_\_, Iowa, \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(Name of permit holder)

hereby makes request for the

\_\_\_\_\_  
(Name of purchaser)

purchase of the following intoxicating liquors:

Amount

Kind

Amount	Kind

The purchaser named above:

(Here describe the business and state the purpose for which the liquors are desired, which description and statement of purpose must be in accordance with sections fifty-three (53) hereof).

(Signature of purchaser)

I, \_\_\_\_\_ being the licensed pharmacist having personal supervision of the above sale hereby countersigned said request and certify that said liquors were, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, delivered in the following manner, to-wit:

\_\_\_\_\_  
Licensed pharmacist.

No. \_\_\_\_\_

Sec. 60. Requests-preparation-delivery. Requests for intoxicating liquors may be made out and signed by the applicant at his place of business and forwarded to the permit holder of whom request is made, and the permit holder may, by his own conveyance, personally deliver said liquors to the applicant, or cause such delivery to be made by a common carrier.

Sec. 60.-a1. Optional delivery. The applicant may personally present said written request for the purchase of such liquors to the permit holder and the permit holder may deliver said liquors directly to the applicant.

Sec. 60-a2. Reports. The permit holder in making the reports required herein shall specify the manner in which each sale of liquors was delivered, to-wit: Whether a delivery was made by his own conveyance, or by a common carrier, or by direct delivery to the applicant.

Sec. 60-a3. Special requirement. No sale shall be made on a request unless such request is filled out with pen and ink.

Sec. 61. Return of requests. Said requests shall be preserved by the permit holder and filed with the county auditor at the time of the filing with the county auditor of the reports hereinafter provided for.

Sec. 62. Cath. Requests filed with the county auditor shall be accompanied by an affidavit by the licensed pharmacist or pharmacists having personal charge of the sales, showing that said requests comprise all the requests filled by said wholesale druggist during the time covered by said request.

Sec. 63. Manner of shipping. Intoxicating liquors shipped by a wholesale druggist under the aforesaid authorization shall not be inclosed in the same box, package, or carton containing other drugs or merchandise. In all cases of such shipments the bill of lading shall set out the kind and amount of intoxicating liquors contained in the shipment, and one copy of the bill of lading shall be signed for the wholesale drug corporation by the licensed pharmacist having personal charge of the sale, or by an officer of such drug corporation.

Sec. 64. Transportation. Common carriers shall transport the liquors

purchased or sold by a wholesale drug corporation under the authority of the permit herein provided, whether such shipment be interstate or intrastate:

1. When the consignor files with the agent of the carrier, at the point of origin, an affidavit stating:

(a) That the consignee is a person, firm or corporation who has a legal right to make such purchase;

(b) That the liquors are consigned to the station nearest to the consignee's place of business; and

(c) That the consignor and consignee are in all reports acting lawfully in the transportation of said liquor.

2. When bill of lading is made out and signed as heretofore provided.

3. When carrier is furnished with copy of the permit held by the wholesale drug corporation and said copy is duly certified to be correct by the clerk of the court issuing the permit.

Sec. 64-a1. Affiant. If the consignor is a corporation, the affidavit provided for in the last preceding section shall be made by the pharmacist having charge of the sales of such liquors or by some managing officer of the corporation.

Sec. 65. Delivery: The carrier shall not make delivery of such liquors:

1. Until the consignee files with the carrier an affidavit by the consignee himself or by the president, vice president, secretary, or general manager or superintendent of the consignee, that said liquors are solely for the use and purposes specified in the written request for the purchase of such liquors, naming said purpose, and

2. Until the consignee personally signs the record book of intoxicating liquor shipments and deliveries required to be kept by common carriers.

Sec. 65-a1. Undelivered shipments. Should a consignee fail to comply with the law and obtain delivery of a shipment of intoxicating liquors within fifteen (15) days after notice to him by mail, such carrier may make application to the district court or to a judge thereof of the county in which the liquors are being held, for an order for the delivery of said liquors by said carrier to the sheriff and for an order for the destruction thereof.

Sec. 65-a2. Effect of delivery. A delivery of said liquors to the sheriff under an order of the court shall discharge the carrier from all civil liability for said liquors.

Sec. 65-a3. Order. The court shall summarily hear said application and, upon proof of the truth thereof, shall enter an order for the delivery of said liquors to the sheriff and for the destruction of said liquors.

Sec. 66. Violations by wholesale druggists. The failure of a permit holder hereunder to comply with any provision of this chapter shall render such holder subject to all the penalties, forfeitures, and proceedings, civil and criminal, provided in this title for the unlawful sale and keeping for sale of intoxicating liquors.

Sec. 67. Violations by purchasers. Any person, firm, or corporation, and the agents and officers thereof, who purchases or obtains any intoxicating liquors for any purpose authorized by this chapter or knows that such liquors have been so obtained, and uses or permits said liquors, or any part thereof,

to be used for beverage purposes or for any purpose other than that for which it was purchased, or obtained, shall be fined in a sum not exceeding one thousand dollars (\$1,000.00) and, in addition, if a person be imprisoned in the county jail for a period not exceeding one (1) year.

Sec. 67-a1. "Corporation" construed. The term corporation, as used in this chapter shall be construed to include corporations, firms, and persons engaged in the general wholesale drug business within this state.

Sec. 67-a2. Sales under prior statutes. The right of a wholesale druggist under preexisting statutes to sell intoxicating liquors under a permit granted to a licensed pharmacist who is financially interested in said wholesale drug business, unless sooner terminated for cause, is hereby continued until its expiration.

## CHAPTER \_\_\_\_\_

### REPORTS BY PERMIT HOLDERS

Sec. 68. Reports required. A permit holder under either of the last two preceding chapters shall make and file with the county auditor of the county in which the permit has been granted, the same reports covering all intoxicating liquors received, used and sold as are required by federal statutes and regulations to be made and filed by said permit holder with the federal prohibition director.

Sec. 69. Form of reports. A report under the preceding section may be in the form of an original draft made from the federal report, or it may consist of a carbon copy made at the time of the making of said federal report. Said blank forms may be exact reproductions of the blank forms furnished by the federal department.

Sec. 70. When filed. Said reports shall be filed with the county auditor within the time in which they are required to be filed with said director.

Sec. 70-a1. Return of requests. On or before the fifteenth day of January, March, May, July, September and November of each year, each permit holder other than a wholesale druggist shall, in addition to all other requirements of this chapter, make full returns to the county auditor, under oath, of all requests filled by him and his clerks during the two preceding months.

Sec. 70-a2. Oath. The oath provided for in the last preceding section shall be in the following form:

1. \_\_\_\_\_, being duly sworn, on oath state that the requests for liquors herewith returned are all that were received and filled at my pharmacy during the months of \_\_\_\_\_, A.D. \_\_\_\_\_; that I have carefully preserved the same, and that they were filled up, signed and attested at the date shown hereon, as provided by law; that said requests were filled by delivering the quantity and kinds of liquors required, and that no liquors have been sold or dispensed under color of my permit during said months 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 indorsed, and with all the laws relating to any duties in the premises.

## PERMITS TO MANUFACTURERS

Sec. 72. Patent and proprietary medicines. Patent and proprietary medicines, tinctures, extracts, toilet articles and perfume and other like commodities, none of which are susceptible of use as a beverage but which require as one of their ingredients alcohol or vinous liquors, may be manufactured within this state, provided a permit so to manufacture is first obtained as hereinafter provided.

Sec. 73. Application. Any person, firm, or corporation desiring such permit shall apply to the judge of the district court of the county in which the principal place of business is located by filing with the clerk of said court the affidavit of the person, member of the firm, or secretary or other managing officer of the corporation, as the case may be, stating therein the following facts:

1. The name, place of business, and postoffice address of the person, firm, or corporation desiring such permit.
2. The business in which said person, firm, or corporation is engaged and the articles manufactured by them which require in their manufacture the use of alcohol, or vinous liquors, and approximately the amount required during the calendar month.
3. That neither the applicant nor any member of the firm or officer of the corporation has been convicted of any violation of the laws of this state with reference to the sale of intoxicating liquors within three years last past prior to the date of said affidavit.

Sec. 74. Notice to county attorney. Upon the filing of said affidavit, together with other proof submitted, if any, the clerk shall immediately notify the county attorney of such application, and the county attorney shall appear in said proceeding on behalf of the state.

Sec. 75. Granting permit - bond. If, after a hearing, the judge is satisfied that the facts stated in said affidavit are true and that the applicant is a person fit and proper to be intrusted with the permit applied for, the same shall be issued upon the filing by the applicant of a bond in the sum of two thousand dollars, the sureties to be approved by the clerk, conditioned as the bond of licensed pharmacist permit holders.

Sec. 76. Term of permit. A permit issued under this chapter, unless revoked for cause, shall remain in force for a period of five years from the date of its issuance.

Sec. 77. Record. It shall be the duty of said clerk to keep a record of permits issued hereunder and to give each permit holder a serial number.

Sec. 78. Violations. Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and punished accordingly.

Sec. 78-a. Proof of right to receive liquors. The consignee of intoxicating liquors shall, on demand of the carrier transporting such liquors, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such liquors at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation



to make delivery nor be liable for failure to deliver.

Sec. 78-a2. Delivery to sheriff. If such proof be not furnished the carrier within ten (10) days after demand, the carrier may deliver such liquors to the sheriff of the county embracing the place of delivery, and such delivery shall absolve said carrier from all liability pertaining to said liquors.

Sec. 78-a3. Destruction. The sheriff shall, on receipt of such liquors from the carrier, report the receipt to the district court of his county or to a judge thereof, and the court or judge shall proceed to summarily enter an order for the destruction of said liquors.

Sec. 78-a4. Temporary section. The code editor is directed, in compiling the new Code, to insert the three last preceding sections in that body of statute known as Senate File No. 51. of the acts of the extra session of the fortieth general assembly.

Approved April 8, 1924.

#### CHAPTER 186

##### GOVERNMENT OF CITIES AND TOWNS

###### H. F. 310

AN ACT to amend, revise, and codify section forty-two hundred ninety-two (4292) of the compiled code relating to the government of cities and towns.

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

That section forty-two hundred ninety-two (4292) of the compiled Code is amended, revised, and codified to read as follows:

Section 1. Manager not to influence election - penalty. The manager shall take no part in any election held for the purpose of electing councilmen, except that he may attend at the polls and cast his vote, if he is a qualified elector of the city or town, and any attempt upon his part to procure the election of any person as councilman, or to induce any elector to vote for any person for councilman, or any solicitation by such manager, of any elector to vote for any person or persons, for the office of councilman, shall be a misdemeanor, and upon conviction thereof, he shall be punished as provided by section eighty-five hundred thirty-eight, and in addition to such punishment, he may be removed from office, under the provisions of chapter twenty-one, title four.

Approved April 12, 1924.

#### CHAPTER 187

##### QUALIFICATIONS OF SCHOOL OFFICERS

###### H. F. 321

AN ACT to amend, revise, and codify section twenty-five hundred forty-six (2546)