

## CHAPTER 48

## INTOXICATING LIQUORS

S. F. 50

AN ACT to repeal section twenty hundred twenty-three (2023), chapter ninety-eight (98), title six (6), of the code of Iowa, 1924, and substituting therefor provisions for taxing a twenty-five (\$25.00) dollar attorney fee in liquor nuisance and bootlegger injunction proceedings for a contempt for violating any such an injunction, temporary or permanent, in which injunction or contempt proceeding the plaintiff is successful, and a commission of ten per cent of any fine that may be assessed and collected in the case.

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

1     **SECTION 1. Attorney fee.** That section twenty hundred twenty-  
 2 three (2023) of the code, 1924, is hereby repealed and the following  
 3 enacted in lieu thereof: In each and every action in equity for injunc-  
 4 tion against a person charged with keeping an intoxicating liquor  
 5 nuisance, and to abate the same, and on each and every action to  
 6 enjoin and restrain a bootlegger as provided in title six (6) of the  
 7 code of Iowa, 1924, the court or judge before whom the same shall be  
 8 heard and determined, shall, if the plaintiff be successful, allow the  
 9 attorney prosecuting such cause an attorney's fee of twenty-five  
 10 (\$25.00) dollars, such fee to be assessed as cost in such cause.

1     **SEC. 2. Limitation.** In each and every proceeding in equity for a  
 2 contempt for violating any injunction, temporary or permanent, issued  
 3 or decreed therein, the court or judge before whom the same shall  
 4 be heard and determined shall, if the plaintiff be successful, allow  
 5 the attorney prosecuting such cause a reasonable attorney's fee, such  
 6 fee to be assessed as costs in such cause, but in no case where the  
 7 defendant enters a plea of guilty shall the fee be more than twenty-  
 8 five (\$25.00) dollars. In case a fine be assessed he shall be allowed in  
 9 addition to the said fee a commission of ten per cent of the fine col-  
 10 lected.

1     **SEC. 3. Conditions.** In no case shall an attorney fee be allowed in  
 2 an intoxicating liquor nuisance injunction proceeding, as provided in  
 3 the second preceding section, unless the property in which the nuisance  
 4 is maintained, and the owner of such property, shall be made party  
 5 defendants, and an order of abatement issued as a part of the judg-  
 6 ment, unless the court or judge hearing the cause shall find from com-  
 7 petent evidence that the nuisance has been abated in good faith prior  
 8 to the hearing, and the costs of the action paid.

1     **SEC. 4. Showing required.** In no case shall a bootlegger injunction  
 2 proceeding as provided in title six (6), be maintained unless it be  
 3 shown to the court that efforts in good faith have been made to dis-  
 4 cover the base of supplies or a place where the defendant charged as  
 5 a bootlegger conducts his unlawful business or receives or manufac-  
 6 tures the intoxicating liquors of which he is charged with bootlegging.

Approved April 3, A. D. 1925.