

## A BILL

FOR AN ACT TO REGULATE THE SALE AND MANUFACTURE AND SALE OF SPIRITUOUS,  
MALT AND VINOUS LIQUORS BY A VOTE OF THE QUALIFIED ELECTORS OF ANY  
COUNTY.

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

SECTION 1. That upon the presentation of a petition signed by not less than one hundred  
of the qualified electors of any county to the board of supervisors of such county, to submit  
to the legal voters of such county the question whether or not spirituous, malt and vinous  
liquors may be sold, or manufactured and sold within the boundaries thereof under the con-  
ditions, rules, restrictions, and regulations of this act, and if the board of supervisors are  
satisfied that the signers of such petition are *bona fide* residents and legal voters of such  
county, it shall be the duty of such board of supervisors to order a special election within  
ninety days after the reception of such petition; *provided*, that no election under this act  
shall be held within fifteen days of any general or municipal election.

SEC. 2. The ballots for such election shall read as follows: "For License" or "Against  
License," and no other question shall be voted upon the same day.

SEC. 3. All elections under the provisions of this act shall be held at the same places and  
conducted in the same manner as is prescribed by law for general elections in this state, and  
all persons entitled to vote at such general elections shall be entitled to vote at all elections  
provided for in this act.

SEC. 4. Notice of such election shall be given by publication for three consecutive weeks  
in the official papers of such county, the last publication to be at least ten days prior to  
the date fixed for such election.

SEC. 5. The votes at such election shall be canvassed by the board of supervisors. All  
such canvassing boards shall certify the result of such elections to the clerk of the district  
court, and all expenses of any notice and election under this act shall be paid out of the  
general funds of the county.

SEC. 6. In case a majority of the votes cast at any election shall be in favor of license  
such election cannot be again held oftener than every four years, and not then unless a peti-  
tion signed by at least two-fifths of the qualified electors of any county as shown by the poll

4 books of the last preceding general election. In case a majority of the votes cast at any such  
 5 election shall be against license, such elections cannot be again held before the expiration of  
 6 two years, and not then unless a petition signed by at least two-fifths of the qualified elec-  
 7 tors as shown by the poll books, of the last preceding general election is presented to the  
 8 board of supervisors, and if again lost such elections cannot be again held oftener than every  
 9 four years, and not then except upon presentation to the board of supervisors of a petition  
 10 signed by at least two-fifths of the qualified electors of such county as shown by the poll books  
 11 of the last preceding general election.

SEC. 7. In case a majority of all votes cast at any such election shall be in favor of  
 2 license, the district court in and for said county shall grant a license for the sale, or the  
 3 manufacture and sale, of spirituous, malt and vinous liquors, upon the petition of a majority  
 4 of the qualified electors, as shown by the poll books of the last preceding general or municipi-  
 5 pal election of any ward of any city of the first class, city of the second class, city organized  
 6 under special charter, or incorporated town located within such county with a population of  
 7 three hundred or over, by the last preceding federal or state census, or by a petition of a ma-  
 8 jority of the qualified electors, as shown by the poll books of the last general election of any  
 9 township not containing an incorporated town, or containing an incorporated town with a  
 10 population of less than three hundred by the last preceding federal or state census, setting  
 11 forth that the applicant is of good moral character, a resident of this state, and praying that  
 12 a license for the sale, or the manufacture and sale, of spirituous, malt and vinous liquors  
 13 may be issued to him, which petition shall be filed in the office of the clerk of the district  
 14 court at least ten days prior to the hearing thereon.

SEC. 8. Notice of the application for license, stating the name of the applicant, the place  
 2 where the spirituous, malt and vinous liquors are proposed to be sold or manufactured and  
 3 sold, and the date of hearing upon such application shall be given by publication for two  
 4 consecutive weeks in the official weekly newspapers of the county, the last publication of such  
 5 notice to be at least ten days prior to the date fixed for hearing of such petition.

SEC. 9. Any person may file a remonstrance against the issuance of a license, which  
 2 remonstrance shall be in writing and filed at least five days before the date of hearing; such  
 3 remonstrance may be based on any of the following grounds: A violation of any of the pro-  
 4 visions of this act within one year preceding, bad moral character of the applicant for license,  
 5 or that such applicant is not a resident of this state. The proceedings upon the hearing  
 6 before the court shall be governed by the same rules as are prescribed in ordinary actions.  
 7 If no remonstrance is filed, or if upon the hearing the allegations of the remonstrance are not  
 8 proven and it be made to appear that the applicant is a person of good moral character, it  
 9 shall be the duty of the court to order the license to be granted.

SEC. 10. The fee for license for the sale or manufacture and sale of spirituous, malt and  
 2 vinous liquors shall be five hundred dollars per annum. The whole of the license for the

3 sale or manufacture and sale of spirituous, malt and vinous liquors shall be paid into the  
4 county treasury; and when a license is issued to any applicant to sell, or manufacture and  
5 sell, spirituous, malt or vinous liquors in any county not having an incorporated town within  
6 its limits, or having an incorporated town of a less population than three hundred, the entire  
7 license fee shall be paid into the county fund, to be used for general county purposes.

8 When the applicant is granted a license to sell or manufacture and sell spirituous, malt  
9 or vinous liquors in an incorporated town with a population of over three hundred, one-half  
10 the license fee shall be paid into the county treasury, to be used for general county pur-  
11 poses, and the remainder shall be paid into the treasury of such municipality, to be used  
12 for general municipal purposes. When the applicant is granted a license to sell or manu-  
13 facture and sell spirituous, malt or vinous liquors in any city of the first class, city of the  
14 second class, or city organized under special charter, one-fourth of the license fee shall be  
15 paid into the county treasury, to be used for general county purposes; the remainder shall  
16 be paid into the city treasury of such city, to be used for general city purposes. *Provided,*  
17 That in cities of the first class, cities of the second class, and cities organized under special  
18 charter and incorporated towns, the license fee may be fixed by the common council of said  
19 city at any amount not less than five hundred dollars per annum. Such license fee must be  
20 paid in semi-annual installments, payable in advance, at the beginning of each half year.

21 *Sec. 11.* No person shall be licensed to sell, or manufacture and sell, spirituous, malt or  
22 vinous liquors, unless he shall first give a bond in the penal sum of three thousand dollars,  
23 payable to the county in which the application is made for such license, with at least two  
24 good and sufficient sureties, freeholders of the county in which such license is to be granted,  
25 to be approved by the clerk of the district court, conditioned that he will not violate any of  
26 the provisions of this act, that he will pay the full amount of the license fee, for each half of  
27 the year after the date of issuing the license, in the manner and at the time herein provided,  
28 and will pay all penalties, fines, damages and forfeitures which may be adjudged against him  
29 under the provisions of this act. The clerk of the district court taking such bond shall exam-  
30 ine any person taken as security upon such bond under oath, and require him to subscribe  
31 and swear to his statement in regard to his pecuniary ability to become such security.  
32 Any bond taken pursuant to this act may be sued upon by any person, or his legal repre-  
33 sentatives, who may be injured by reason of the licensed person violating any of the pro-  
34 visions of this act. No person who is holden as the principal or surety upon one bond given  
35 in pursuance of this act shall become surety upon any other bond of like character.

36 *Sec. 12.* All licenses issued in pursuance of this act shall be issued by the clerk of the  
37 district court, and no license shall be issued until the receipt of the county treasurer, for the  
38 full amount of the license fee for the first half of the period for which the license is granted,  
39 is filed with such clerk. The license shall state the length of time for which it is issued,  
40 which shall not extend beyond the last day of December after its issue, placed where the

6 spirituous, malt and vinous liquors are to be sold or manufactured and sold, and shall not be  
7 transferable. If any licensed person shall fail to pay the semi-annual installments of his  
8 license fee on or before the first day of each half, his license shall immediately, upon such  
9 failure, become void. Any license or permit granted under this act shall be revoked by the  
10 court granting the same, upon due proof that the person holding such license or permit has  
11 been convicted of a second violation of any of the provisions of this act.

12 Sec. 13. Any person licensed under this act who shall knowingly sell or give away any  
13 spirituous, malt and vinous liquors to any minor, intoxicated person, habitual drunkard, or  
14 insane or idiotic person, shall be punished by a fine not exceeding one hundred dollars, or  
15 imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the dis-  
16 cretion of the court.

17 Sec. 14. Any minor who shall, for the purpose of evading the provisions of the preceding  
18 section, falsely represent his age, shall be deemed guilty of a misdemeanor, and upon con-  
19 viction thereof shall be punished by a fine for each and every offence, not exceeding one  
20 hundred dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of  
21 the court.

22 Sec. 15. That said licensee permitted to sell, as aforesaid, shall close such place of busi-  
23 ness permitted hereby at eleven o'clock P. M., and keep such places closed until six o'clock A.  
24 M. the following day, unless prohibited as herein provided. The place of business hereby  
25 permitted shall be closed on days when elections are held, whether general or special, nor  
26 shall any liquors of any kind be removed therefrom during election hours on election day.  
27 The business conducted by permission hereof shall be carried on in a room fronting and  
28 opening upon a public street or highway, excepting in case a permit is granted to a hotel.  
29 There shall not be used any shades, screens, painted, ground or colored glass, or any other  
30 device for obstructing the view of his place of business.

31 Sec. 16. The common council of each city, and trustees of each incorporated town, in  
32 which licenses are granted under the provisions of this act, shall have power within their  
33 respective municipalities to establish such rules, regulations and ordinances as to them shall  
34 seem proper, in relation to the regulation of places wherein such spirituous, malt or vinous  
35 liquors are authorized to be sold as a beverage, as shall not conflict with the provisions of this  
36 act, and to prescribe penalties for violation thereof; and all courts of criminal jurisdiction  
37 within this state, are hereby clothed with power and jurisdiction to punish violations of such  
38 rules and ordinances in the same manner, by the same proceedings and to the same extent  
39 as though they were enacted, and the penalties for violation thereof prescribed by like  
40 statutes of this state.

41 Sec. 17. The district court, under the regulation and restrictions contained in this act  
42 may grant permits to registered pharmacists to sell spirituous, malt and vinous liquors for  
43 medicinal, mechanical and chemical purposes exclusively, upon payment of all expense and

4 cost relating to the issuance of such permit, and upon the compliance with all the provisions  
5 contained in this act, except that no license fee or bond shall be required, and such registered  
6 pharmacist shall be subject to all other requirements and penalties contained in this act.

SEC. 18. Any registered pharmacist to whom a permit may be granted, as contemplated  
2 in the preceding section of this act, shall keep a book provided by him for that purpose,  
3 and shall register in such book all liquors sold or given away by him, which register shall  
4 show the dates, kind, quality, for what purpose, and to whom such liquors were sold or given,  
5 and shall be at all times open to the inspection of the public. Each registered pharmacist to  
6 whom such permit may be granted, shall on the first Monday of January and July of each  
7 year, file in the office of the clerk of the district court a report containing a copy of all  
8 entries made in said register, as contemplated in this section, since his last report. Each  
9 report shall be subscribed and sworn to as correct by said druggist, and shall state that he  
10 has not sold or given away, either by himself, clerk or agent, any spirituous, malt or vinous  
11 liquors, other than as stated in said report. Any druggist failing to comply with the pro-  
12 visions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof  
13 for each and every offense shall be punished by a fine not less than ten dollars nor more than  
14 one hundred dollars, or by imprisonment not longer than thirty days in the county jail, at  
15 the discretion of the court.

SEC. 19. Any unlicensed person who shall sell or give away, or manufacture any spirit-  
2 uous, malt or vinous liquors, and any registered pharmacist who shall sell or give away any  
3 spirituous, malt or vinous liquors for any other than mechanical, medicinal and chemical  
4 purposes, shall, on conviction thereof, be punished by a fine of not less than one hundred  
5 dollars nor more than five hundred dollars for each offense, or by imprisonment for not less  
6 than thirty days nor more than one hundred and fifty days, or by both such fine and impris-  
7 onment, in the discretion of the court.

SEC. 20. Nothing in this act shall be construed to prevent persons to sell wine made from  
2 grapes grown or raised by them, upon land in this state owned or occupied by the manu-  
3 facturer, in quantities of not less than one gallon, providing such sales must be made on the  
4 premises where the grapes are grown, but must not be allowed to be drunk on or about the  
5 premises.

SEC. 21. All acts or parts of acts in conflict herewith are hereby repealed; but nothing  
2 in this act contained shall be construed to affect any of the statutes of this state against the  
3 keeping of nuisances, nor any of the civil or criminal remedies now provided by law for the  
4 abatement of such nuisances, nor the punishment of those keeping the same in all cases  
5 where persons are engaged in the sale of spirituous, malt or vinous liquors without a license  
6 or permit, as provided by this act.

SEC. 22. This act being deemed of immediate importance, shall take effect and be in  
2 force from and after its publication in the *Des Moines Leader* and the *Iowa State Register*,  
3 newspapers published at Des Moines, Iowa.