

A BILL

FOR AN ACT FOR THE BETTER PROTECTION OF PERSONS MANUFACTURING, BOTTLING OR SELLING SODA WATERS, MINERAL OR AERATED WATERS, CIDER, MILK, CREAM OR OTHER LAWFUL BEVERAGES, OWNING AND USING BOXES, BOTTLES, CASKS, KEGS AND BARRELS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That all persons engaged in the manufacture, bottling or selling of soda water, mineral or
2 aerated waters, cider, milk, cream or other lawful beverages, in bottles, boxes, casks, kegs or barrels, with
3 their names or other marks of ownership stamped or marked thereon, may file in the office of the recorder
4 of deeds of the county in which such articles are manufactured, bottled or sold, a description of the name
5 or marks so used by them, and cause the same to be printed for three consecutive weeks in a weekly
6 newspaper, printed in the English language, in the county where such articles are manufactured, bottled or
7 sold.

SEC. 2. It is hereby declared to be unlawful for any person or persons, hereafter, without written
2 consent of the owner or owners thereof, to fill with soda water, mineral or aerated waters, cider, milk,
3 cream or other lawful beverages, or any other articles of merchandise, medicine compound or preparation,
4 for the purpose of sale, or to be furnished to customers, any such bottles, boxes, casks, kegs or barrels, so
5 marked or stamped, or to sell, dispose of, buy or traffic in, or wantonly destroy any such cask, barrel, keg, bottle
6 or box so marked or stamped by the owner or owners thereof, after such owner or owners shall have com-
7 plied with the provisions of the first section of this act. Any person or persons who shall violate any of
8 the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before
9 any justice of the peace or police magistrate in this state, shall be fined five dollars (\$5.00) for each and
10 every cask, barrel, keg or box, and fifty (50) cents for each and every bottle sold by him, her or them,
11 filled, bought, sold, used, trafficked in or wantonly destroyed, or by him, her or them, caused to be filled,
12 bought, sold, used, trafficked in or wantonly destroyed, together with the costs of the suit for the first
13 offense, and ten dollars (\$10.00) for each and every cask, barrel, keg or box, and one dollar (\$1.00) for each
14 and every bottle so filled, bought, sold, used, or trafficked in or wantonly destroyed, together with the
15 costs of suit for each subsequent offense.

SEC. 3. The using by any other person than the rightful owner thereof, without such written per-
2 mission, of any such cask, barrel, keg, bottle or box, for the sale therein of soda water, mineral or aerated
3 waters, cider, milk, cream or other lawful beverages, or any other article of merchandise, medicine, com-

4 pound or preparation, or to be furnished to customers, or the buying, selling or trafficking in any such
5 cask, barrel, keg, bottle or box, by any person other than the owner, without the written permission, or
6 the fact that any junk dealer or dealer in casks, barrels, kegs, bottles or boxes, shall have in his or her
7 possession any such cask, barrel, keg, bottle or box so marked or stamped, and registered as aforesaid, without
8 such written permission, shall and is hereby declared to be *prima facie* evidence that such use, buying,
9 selling, trafficking in or possession is unlawful, within the meaning of this act; and any person or persons
10 found guilty of such use, buying, selling, trafficking in or having in possession any such cask, barrel, keg,
11 box or bottle, without such written permission, shall be liable to be arrested and fined, as provided in the
12 second section of this act; and it is hereby declared to be the duty of any justice of the peace or police
13 magistrate within this state upon oath having been made in writing before him, by the owner or the agent
14 of the owner or owners, that any person has violated any of the provisions of this act, to immediately
15 issue his warrant and cause such person or persons so accused to be brought before him, and proceed to
16 try such accused party, as in cases of assault and battery; and in case such accused party shall be found
17 guilty of having violated any of the provisions of this act, shall assess the fine as provided in the second
18 section of this act, such fine and costs to be collected as provided by law in other cases of misdemeanor.

SEC. 4. In case the owner or owners of any cask, barrel, keg, bottle or box so marked, stamped and
2 registered as aforesaid, shall in person or by agent, make oath in writing, before any justice of the peace
3 or police magistrate, that he has reason to believe and does believe that any manufacturer or bottler or
4 dealer in soda water, mineral or aerated waters, cider, milk, cream, or other lawful beverages, or any
5 other person is using in any manner, by this act declared to be unlawful, any of the casks, barrels, kegs
6 bottles or boxes of such person or his principal, or that any junk dealer or dealers in casks, barrels, kegs,
7 bottles or boxes, or any other dealer, manufacturer or bottler has any such cask, barrel, keg, bottle or box
8 secreted in, about or upon his, her or their premises, the said justice of the peace or police magistrate shall
9 issue his search warrant and cause the premises designated to be searched, as in other cases where search
10 warrants are issued, as now provided by law; and in case any such cask, barrel, keg, bottle or box duly
11 marked, or stamped and registered as aforesaid, shall be found in, upon or about the premises so desig-
12 nated, the officer executing such search warrant shall thereupon arrest the person or persons named in
13 such warrant and bring him, her or them before the justice of the peace or police magistrate who issued
14 such warrant, who shall thereupon hear and determine such case, and if the accused is found guilty, he, she
15 or they shall be fined as provided in the second section of this act.

SEC. 5 All costs incurred in the enforcement of the provisions of this act shall be assessed and col-
2 lected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned
3 over to the justice of the peace or police magistrate collecting the same, in the same manner and for the
4 same purpose as fines in cases of assault and battery are now by law disposed of.

SEC. 6. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 7. This act being deemed of immediate importance shall take effect and be in force from and
2 after its publication in the Iowa State *Register* and Des Moines *Leader*, newspapers published at Des
3 Moines, Iowa, without expense to the state.