

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF STATE MARSHALS AND THEIR DEPUTIES FOR THE ENFORCEMENT OF THE LAWS PERTAINING TO THE SALE OF INTOXICATING LIQUORS AND PRESCRIBING THEIR DUTIES, FEES, AND COMPENSATION.

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

Section 1. For the purpose of the enforcement of this act the State is hereby divided
2 into five State Marshal Districts as follows:

3 The First District shall consist of the counties of Boone, Story, Marshall, Tama, Dallas,
4 Polk, Jasper, Poweshiek, Madison, Warren, Marion, Monroe, Mahaska, Clarke, Lucas, Wapello,
5 Decatur, Wayne, Appanoose and Davis.

6 The Second District shall consist of the counties of Benton, Linn, Jones, Jackson, Iowa,
7 Johnson, Cedar, Clinton, Scott, Keokuk, Washington, Muscatine, Louisa, Jefferson, Henry,
8 Des Moines, Van Buren and Lee.

9 The Third District shall consist of the counties of Worth, Mitchell, Howard, Winneshiek,
10 Allamakee, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Fayette, Clayton, Hardin,
11 Grundy, Black Hawk, Buchanan, Delaware and Dubuque.

12 The Fourth District shall consist of the counties of Lyon, Osceola, Dickinson, Emmet,
13 Kossuth, Winnebago, Sioux, O'Brien, Clay, Palo Alto, Hancock, Plymouth, Cherokee, Buena
14 Vista, Pocahontas, Humboldt, Wright, Woodbury, Ida, Sac, Calhoun, Webster and Hamilton.

15 The Fifth District shall consist of the counties of Monona, Crawford, Carroll, Greene, Har-
16 rison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams,
17 Union, Fremont, Page, Taylor and Ringgold.

Sec. 2. Upon the taking effect of this act there shall be appointed by the Governor and

2 confirmed by the Senate one district marshal for each district hereinbefore established, who
3 shall qualify by taking an oath of office and by giving a bond running to the State of Iowa in
4 the sum of two thousand five hundred dollars (\$2,500), conditioned upon the faithful perform-
5 ance of his duties, and said bond shall be signed by at least two sureties and shall be filed with
6 the Secretary of State and approved by the Governor.

7 Said district marshals may be removed by the Governor for just cause.

8 The appointments that shall be made by the Governor shall be and remain in full force,
9 and the appointees shall be vested with all powers and duties provided herein until said ap-
10 pointment is confirmed or rejected by the Senate.

Sec. 3. The term of office of a district marshal shall be four years or until his successor
2 is appointed and qualified. The term of office of a deputy marshal shall be two years or until
3 his successor is appointed and qualified, provided, however, that the terms of office of the dis-
4 trict marshals first appointed shall be as follows: In one district, four years; in two districts,
5 three years; in two districts, two years, or until their successors are appointed and qualified.

6 The terms of office of said district marshal first appointed shall be designated by the Gov-
7 ernor in making said appointments, and he shall then fix the terms in the respective districts.

8 The terms of office of deputy marshals shall in no case extend beyond the term of office
9 of the district marshal by whom he is appointed.

Sec. 4. The deputy marshals herein provided for may be transferred from one district to
2 another upon the request and consent of the respective district marshals concerned.

Sec. 5. It shall be the duty of the district marshals in their respective districts to super-
2 intend the enforcement of and cause to be enforced all laws of this State affecting the manu-
3 facture, sale, keeping for sale, and transportation of intoxicating liquors, and all laws in any
4 manner connected with or concerning the liquor traffic; to diligently inform themselves of all
5 violation of such laws and any district marshal may make report thereof to the county
6 attorney of the proper county who shall forthwith prosecute the same as provided by law or
7 said district marshals may themselves make complaint of any such violation of law to the
8 proper court or magistrate, and may commence and direct the prosecution thereof.

Sec. 6. For the purpose of enforcing such laws, said district marshals, each within their
2 respective district shall be specially charged with the duties above enumerated, and the Gov-
3 ernor may direct any district marshal to discharge said duties at any place within the State
4 of Iowa, and said district marshals shall have and exercise the same powers now vested, or

5 that may hereafter be vested in sheriffs, constables, or other peace officers throughout the
6 State in all matters pertaining to the enforcement of the intoxicating liquor laws.

Sec. 7. Said district marshals have the power to employ attorneys to prosecute, or assist
2 in the prosecution of any causes arising under the intoxicating liquor laws and in case of
3 the failure, neglect or refusal of the county attorney of any county to prosecute any such
4 cause the district marshal shall conduct or direct such prosecution. If an attorney be
5 employed to prosecute or assist in the prosecution of any such cause a reasonable attorney's
6 fee to be fixed by the court shall be taxed as costs in the cause in case of conviction, judgment
7 or decree against the defendant, in favor of said attorney, and if said attorney fee cannot be
8 collected from the defendant the same shall be paid by the treasurer of the State of Iowa out
9 of the fund provided for by this act.

Sec. 8. The district marshals of the several districts shall have power to appoint in writ-
2 ing such deputy marshals as shall be necessary to aid them in the full and faithful perform-
3 ance of the duties herein imposed, provided that the number of regular deputy marshals
4 shall at no time exceed ten in any district. Said deputy marshals shall hold their offices
5 subject to removal by their principals and each of said deputy marshals shall enter into a
6 bond running to the State of Iowa in the sum of \$1,000.00 conditioned upon the faithful per-
7 formance of his duties and said bond shall be filed with the Secretary of State and approved
8 by the Governor. Said deputy marshals shall take an oath of office as provided by law for
9 other like officers, and shall have and exercise the same powers and perform under the direc-
10 tion and supervision of their respective principals the powers and duties hereinbefore pro-
11 vided. The said district marshals may, when they deem necessary, appoint special deputy
12 marshals to serve during the emergency for which they are appointed and subject to removal
13 by the district marshals shall qualify by taking an oath of office and by filing with the district
14 marshal such bond as the district marshal shall require and approve running to the State of
15 Iowa.

Sec. 9. Nothing herein provided in relation to the powers and duties of said marshals or
2 their deputies shall be construed to relieve the peace officers from the discharge of their duties,
3 now or hereafter imposed in relation to the intoxicating liquor laws.

Sec. 10. Every druggist holding a permit to keep and sell intoxicating liquors shall in ad-
2 dition to the reports now required by law, file with the district marshal in the district in
3 which his place of business is located a duplicate of the report, or reports made by him to the
4 county auditor and it shall be the duty of the district marshal to carefully examine all re-

5 ports of druggists and to require the timely filing thereof with himself and also with the
6 county auditors in the counties in their respective districts, and if from said reports or other-
7 wise it shall appear that any crime has been committed or violation of the liquor laws has
8 occurred it shall be the duty of the said district marshals to fully investigate and to commence
9 proper legal action or prosecution, civil or criminal, to punish the person or persons guilty
10 thereof or to prevent such violation of law.

11 Said duplicate report shall be filed with said district marshals at the same time the law
12 requires reports to be filed with county auditors, and the same penalties or fines shall be in-
13 curred for a failure to file such duplicates with the proper district marshal as are incurred by a
14 failure to file such reports with the proper county auditor.

Sec. 11. Each district marshal shall have and receive as compensation two thousand five
2 hundred dollars (\$2,500) per year and his necessary traveling expenses, and an allowance of not
3 to exceed three thousand dollars (\$3,000) per year for office expenses, clerk hire and incidentals.
4 Each deputy marshal shall receive as compensation one hundred dollars (\$100) per month and
5 necessary traveling expenses while on duty. Special deputy marshals shall receive as compen-
6 sation four dollars (\$4.00) per day and necessary traveling expenses while on duty.

7 An itemized and duly verified statement of all fees, expenses, clerk hire, office expenses and
8 incidentals shall be filed with the auditor of State by all district, deputy, or special deputy
9 marshals before warrants shall issue therefor.

Sec. 12. Of the mulct tax, or other liquor tax levied by the state, and collected from each
2 person, persons or corporation, one third thereof in each instance shall be paid by the treas-
3 urer of each county into the state treasury in semi-annual payments, and the same or so much
4 thereof as is necessary shall be set apart as a fund to pay the expenses herein provided for,
5 including all fees, attorney's fees, mileage or expenses whatsoever arising under the provisions
6 of this act.

Sec. 13 That the same legal fees taxable in liquor prosecutions or in actions brought
2 for the enforcement of the intoxicating liquor laws, both civil and criminal, for the services
3 of sheriffs shall be taxed in such causes for the services of district marshals and their deputies
4 or special deputies rendered by them therein, and when collected shall be paid into the State
5 treasury and shall be added to the fund hereinbefore provided for the enforcement of this act
6 if needed for the purposes of this act, and district marshals are directed to collect said fees, and
7 required to pay the same into the State treasury.

Sec. 14. Should the assessor fail to perform his duty in relation to the assessment of

2 the mulct tax as provided by law, any district marshal can by verified statement on informa-
3 tion and belief addressed to the county auditor procure the listing of names and places as pro-
4 vided by law, with the same force and effect as if done by the assessor.

Sec. 15. All deputy marshals shall make such reports to the district marshal by whom
2 they were appointed, as shall be required by said district marshal, and all district marshals
3 on or before the first day of January, in each year, file with the Governor a written report of
4 the work done in their respective districts during the previous year and all of said reports
5 shall be annually printed, bound, and distributed in the same manner as the reports of other
6 state officers who are required to make reports.

Sec. 16. The offices of the district marshals shall be located as follows :

2 In District Number One at Des Moines, Iowa.

3 In District Number Two at Washington, Iowa.

4 In District Number Three at Waterloo, Iowa.

5 In District Number Four at Cherokee, Iowa.

6 In District Number Five at Atlantic, Iowa.

Sec. 17. This act, being of immediate importance, shall be in force from and after its
2 publication in the Des Moines Register and Leader and the Des Moines Capital, newspapers
3 published in Des Moines, Iowa.