

A BILL

FOR AN ACT TO SUPPRESS INTEMPERANCE AND REGULATE AND LICENSE THE SALE OF SPIRITOUS, VINOUS, MALT AND OTHER INTOXICATING LIQUORS, TO PROHIBIT THE SALE OF ADULTERATED LIQUORS, TO REPEAL ALL FORMER LAWS CONTRAVENING THIS ACT AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That no person shall sell or barter, directly or indirectly, any intoxicating liquor, by a less quantity than one gallon at a time, within this State, without first procuring from the Board of Supervisors of the county or the Board of Aldermen in an incorporated city in which such liquor or liquors, are to be sold, a license as hereinafter provided; nor shall any person, without having first procured such license, sell or barter any intoxicating liquor, to be drunk or suffered to be drunk in his house, out house, yard, garden, or the appurtenances thereunto belonging.

SEC. 2. The words "intoxicating liquors," as used in this act, shall apply to any spiritous, vinous or malt liquor, or any intoxicating liquor whatever, which is used, or may be used as a beverage.

SEC. 3. Any white male inhabitant desiring to obtain a license to sell intoxicating liquors, shall give notice to the citizens of the townships in the county, or the ward in the city, in which he desires to sell, by publishing in a weekly newspaper in the county, a notice, stating in the notice the precise location of the premises in which he desires to sell, at least twenty days before the meeting of the board at which the applicant intends to apply for license, or in case there is no such newspaper in such county, then by posting written or printed notices in three of the most public places in the township or ward in which he desires to sell, at least twenty days before the meeting of such board, and in addition to such notice before any license shall be granted to such applicant, he shall be required to produce to such board a certificate signed by a majority of the citizens of the township or ward in which he desires to sell intoxicating liquors, certifying that such person is a person of good moral character, not addicted to intemperance and a proper person to be licensed to sell intoxicating liquors, and petitioning such board to grant him a license to sell intoxicating liquors to be drunk upon the premises described in the notice aforesaid.

SEC. 4. The Board of County Supervisors or the Board of Aldermen, shall grant a license to such applicant upon his showing that he has given the notice as required in the preceding section

3 and upon presenting the certificate and petition as therein required, and upon his giving bond
 4 payable to the State of Iowa, with at least two freehold sureties, residents within said county or city
 5 to be approved by such board, in the sum of one thousand dollars conditioned that he will keep an
 6 orderly house, and that he will pay all fines and costs that may be assessed against him, for any
 7 violations of the provisions of this act, which bond shall be filed with the County Treasurer where
 8 the license is granted by the Board of Supervisors, and with the City Treasurer where the license is
 9 granted by the Board of Aldermen.

SEC. 5. Such applicant shall, before license issue to him, be required to pay to the County
 2 Treasurer, where the license is granted by the Board of Supervisors, or to the City Treasurer where
 3 the license is granted by the Board of Aldermen of a city, a sum not less than fifty, nor more than
 4 five hundred dollars, to be determined by such board, as a fee for license for one year, to be applied
 5 and expended for the support of the poor of the county, where the license is granted by the Board
 6 of County Supervisors, or for the support of the poor, and to maintain and keep up the police
 7 regulations of the city, where the license is granted by the Board of Aldermen of a city.

SEC. 6. Upon the execution of the bond as required in the fourth section of this act, and the
 2 presentation of the order of the Board of Supervisors granting him license, and the County
 3 Treasurer's receipt as ordered by the board aforesaid, the Clerk of the Board of Supervisors shall
 4 issue a license to the applicant for the sale of intoxicating liquors in less quantities than a gallon,
 5 with the privilege of permitting the same to be drank on the premises as stated in the aforesaid
 6 notice, and where the license as aforesaid is granted by the Board of Aldermen of a city, the order
 7 of the board and the receipt of the Treasurer of the city shall be presented to and filed with the
 8 Recorder of the city, who shall issue a license to the applicant for the sale of intoxicating liquors in
 9 less quantities than one gallon, with the privilege of permitting the same to be drank on the premises,
 10 as stated in the aforesaid notice, which license shall specify the name of the applicant, the place of
 11 sale, and the period of time for which such license is granted; *provided*, that no license as herein
 12 provided shall be granted for a greater or less term than one year.

SEC. 7. A license granted under the provisions of this act shall not authorize the person so
 2 licensed to sell, barter, or give away any intoxicating liquors to any person under the age of eighteen
 3 years, nor to any person or persons in a state of intoxication, nor upon the day of any State, county,
 4 township, or municipal election in the township or city where the same may be holden.

SEC. 8. Every person who shall, directly or indirectly, knowingly sell, barter, or give away any
 2 intoxicating liquor to any person who is in the habit of being intoxicated, after notice shall have
 3 been given him by the wife, child, parent, brother or sister of such person, or by the overseer or
 4 overseers of the poor of such township where he resides, or by the marshal, mayor, or any alderman
 5 in the city where such person resides, that such person is in the habit of being intoxicated, shall be

6 deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor
7 more than one hundred dollars.

SEC. 9. If any person shall be found in a state of intoxication in any street or alley in an
2 incorporated city, or upon any public highway in any township or county, or at any court, meeting
3 of the Board of Supervisors of any county, or Board of Aldermen of any incorporated city, Justices'
4 Court, or at any general or municipal election, or at any religious meeting, or at any public meeting
5 for any purpose, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof
6 shall be fined in any sum not less than one dollar, nor more than five dollars, at the discretion of the
7 court, with costs of prosecution.

SEC. 10. Any person not being licensed according to the provisions of this act, who shall sell or
2 barter, directly or indirectly, any intoxicating liquor in a less quantity than one gallon at a time, or
3 who shall sell or barter any intoxicating liquor to be drunk or suffered to be drunk in his house,
4 yard, garden, or appurtenances thereto belonging, shall be fined in any sum not less than ten
5 nor more than one hundred dollars, to which the court or jury trying the cause may add imprison-
6 ment in the county jail for any determined period not exceeding thirty days.

SEC. 11. If any person shall sell, barter, or give away any intoxicating liquor or liquors to any
2 person under the age of eighteen years, or to any person at the time in a state of intoxication, the
3 person so offending shall be fined not less than ten, nor more than one hundred dollars, to which
4 the court or jury trying the cause may add imprisonment in the county jail for any determined
5 period not exceeding thirty days.

SEC. 12. Any person who shall adulterate any intoxicating liquor, which is intended for sale, by
2 the admixture of any deleterious substance therewith, or any person who shall offer for sale, or sell
3 any intoxicating liquor, which shall have been so adulterated as aforesaid, on conviction thereof shall
4 be fined in any sum not less than fifty, nor more than five hundred dollars, to which the court or
5 jury trying the cause may add imprisonment in the county jail for any determined period not
6 exceeding three months.

SEC. 13. Every place, house, room, arbor or shed wherein intoxicating liquor or liquors are sold,
2 bartered, or given away, or suffered to be drunk, if kept in a disorderly manner, shall be deemed a
3 common nuisance, and the keeper thereof, upon conviction, shall be fined in any sum not less than
4 twenty dollars, nor more than one hundred dollars, to which may be added by the court or jury
5 trying the cause, imprisonment in the county jail for any determined period of time not exceeding
6 three months.

SEC. 14. If any person licensed under the provisions of this act to sell intoxicating liquors in less
2 quantity than one gallon, shall sell, barter, or give away to any person intoxicating liquor or liquors,
3 which being drunk in or about the premises of the person so licensed, shall produce intoxication,
4 and the person to whom the same was sold, bartered, or given, while in a state of intoxication
5 therefrom, shall do any damage to the person or property of any other person, the person or

6 persons so damaged, may sue and recover his damages from the person licensed as aforesaid, or he
7 may sue and recover his damages from the person doing the damage, at his option ; *provided*,
8 *always*, that a recovery of damages against one of the parties shall be a bar against any recovery
9 against the other.

SEC. 15. Incorporated cities shall have exclusive power to grant licenses under the provisions of
2 this act within their respective corporate limits, and may add such other rules and regulations, fines
3 and penalties for a violation of this act, or the rules and regulations adopted and ordained, as the
4 Board of Aldermen, or common council, may ordain and establish.

SEC. 16. Courts of Common Pleas, Circuit Courts, and District Courts, within their respective
2 jurisdictions, shall have concurrent jurisdiction to hear and determine all complaints for the violation
3 of any of the provisions of this act, and the grand juries of the District Court shall have, and it is
4 hereby made their duty to take cognizance of all offenses against its provisions, as in cases of
5 felonies.

SEC. 17. Justices of the Peace, within their respective townships, shall have jurisdiction to try
2 and determine all cases under the provisions of this act ; *provided*, that if in the opinion of the
3 justice or jury trying such case, a fine of fifty dollars and imprisonment in the county jail for a
4 period of thirty days shall be inadequate punishment for such violation, then the justice, in such
5 case, shall recognize the party in sufficient bond and surety to appear at the next term of any court
6 of competent jurisdiction, to answer said charge.

SEC. 18. In incorporated cities, the Recorder's Court, or any other judicial tribunal under the
2 laws or ordinances of the city, shall have concurrent jurisdiction within their corporate limits with
3 Justices of the Peace therein, to hear and determine complaints for the violation of the provisions
4 of this act.

SEC. 19. All laws and parts of laws coming in conflict with the provisions of this act, be and the
2 same are hereby repealed ; but nothing in this act shall be so construed as to prohibit the common
3 Councils of incorporated cities from demanding a fee for a license, nor from granting a license to
4 persons to sell intoxicating liquors in greater quantity than one gallon, within the limits of their
5 respective corporations.

SEC. 20. This act being deemed by the General Assembly of immediate importance, shall take
2 effect and be in force from and after its publication in the *Register* and *Statesman*, newspapers
3 published in Des Moines, in this State.