

Liabilities to county for expenses in jail. any-county jail shall be liable to the county for the expenses and costs of keeping such prisoners; which may be recovered by action therefor.

Commitment when fines are not paid. SEC. 2. Whenever the fine and costs imposed for the violation of any ordinance or by-law are not paid, the person convicted may, by the officer having jurisdiction in the case, be committed until fine and costs are paid: *Provided, however,* that no imprisonment in such cases shall be for more than thirty days.

Approved, April 7, 1870.

CHAPTER 82.

PROHIBITORY LIQUOR LAW.

APRIL 8. AN ACT to Provide for the Prohibition of the Sale of Ale, Wine, and Beer in Counties, by a Vote of the People.

Rev. : ch. 64. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any person to sell by himself, his clerk, steward, or agent, directly or indirectly, any ale, wine, malt liquors, or beer of any kind, except as provided in section 1560 and article 2, of chapter 64 of the Revision of 1860, and acts amendatory thereto, and the keeping of ale, wine, malt liquors, or beer, of any kind, with intent on the part of the owner thereof, or any other person acting under his authority, or by his permission, to sell the same within the State contrary to the provisions of this act, is hereby prohibited, and the ale, wine, malt liquors, or beer of any kind so kept, together with the vessels in which it is contained, are declared a nuisance, and shall be forfeited and dealt with as hereinafter provided.

Unlawful to sell ale, wine, malt liquors, or beer, except, etc. Same prohibited. Liquors and vessels a nuisance.

Penalties and procedure. SEC. 2. The penalties for any violation of this act, and the mode of procedure against any person or persons for the violation of any of the provisions thereof, shall be the same in all cases as is now provided for in case of the sale of intoxicating liquors, in chapter 64 of the Revision of 1860, and the selling or keeping for sale, contrary to the provisions of this act, any of the liquors prohibited by the first section of this act, in any house or place, shall constitute said house or place a nuisance, and the building, as well as the person or persons so offending against the

House where sold a nuisance.

provisions of this act, shall be subject to the same penalties, and may be proceeded against in the same manner as is provided in the case of intoxicating liquors in section 1564 of the Revision of 1860; and for the purposes herein set forth, ale, wine, malt liquors, or beer of any kind shall be considered intoxicating liquors.

Rev.: §1564.

What considered intoxicating liquors.

SEC. 3. At their regular session in June of each year, the board of supervisors in each organized county in this State shall determine whether the adoption of the provisions of this act shall be submitted to the legal voters of the county at the ensuing general election, and if the supervisors so declare, by resolution to be spread upon the records of said board, also to be published for four consecutive weeks next preceding said election in one or more newspapers in said county, if one there be, and if not, then by posting the same in three public places in each township of said county; there may be written or printed on each ballot cast at said election, either of the sentences following, to-wit: "For Prohibition;" "Against Prohibition;" and, if a majority of all the votes cast at such election in said county be "for prohibition," then, and not otherwise, shall the provisions of this act be in full force in said county from and after the first Monday in January next following such election, and the board of supervisors shall so declare by resolution to be spread upon their records. And if a majority of the votes cast shall be "against prohibition," then and in that case chapter 64 of the Revision of 1860 shall remain and be in full force in such county, and this amendatory act shall be null and void in such county.

Board of supervisors may determine on submitting act to people.

Prohibition to take effect, when.

SEC. 4. Section 2 of chapter 154 of the laws of the Twelfth General Assembly is hereby repealed, so far as it relates to counties adopting the provisions of this act, but to none other.

1868: ch. 154,

What repealed.

SEC. 5. This act, being deemed of immediate importance, shall be in full force from and after its publication in the Daily State Register and Daily Bulletin, newspapers published at Des Moines, Iowa.

Taking effect.

Approved, April 8, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in the *Des Moines Daily Bulletin*, April 15, 1870.

ED WRIGHT, *Secretary of State.*