

Iowa, and within the time therein limited, but has in truth and in fact, prior to the commencement of prosecution, subsequently made and filed such reports with the county auditor as required by law, such filing of said monthly reports shall be taken and deemed to be a fulfillment of the requirements and provisions of said law on the part of said druggist holding said permits as to the time of filing said reports and shall have the same force and effect as though said monthly reports had been filed within the time limited and fixed in said chapter 143, of the Acts of the Twentieth General Assembly of the State of Iowa, and title eleven (11) chapter six (6) of the code of Iowa, and no fine penalty or forfeiture, shall be held or deemed to have been incurred by any druggist holding such permit as aforesaid, by reason of a failure to make and file such monthly reports with the county auditor within the time limited by law. And all penalties fines and forfeitures heretofore incurred by and not adjudged against, any druggist holding such permit on failure to make and file said monthly reports within the five days, the same is hereby released, remitted and discharged.

Cases dismissed by court.

SEC. 2. That in all such cases the same shall be dismissed by the court upon payment by the defendant of all the costs made in the case and a reasonable attorneys fee to plaintiff's attorney to be fixed by the court.

Publication.

SEC. 3. This act being deemed of immediate importance shall become a law, and be in full force after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

I hereby certify that the foregoing was published in the *Iowa State Register* April 19, and *Des Moines Leader*, April 17, 1888.

FRANK D. JACKSON, *Secretary of State*.

CHAPTER 78.

AMENDING ACTS RELATING TO SALE OF INTOXICATING LIQUORS AND ABATEMENT OF NUISANCES.

S. F. 317.

AN ACT Supplemental to Chapter 143 of the Acts of the 20th General Assembly, and Chapter 66 of the Acts of the 21st General Assembly, Relating to the Sale of Intoxicating Liquors and Abatement of Nuisances.

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

Fees in abatement of nuisance cases.

SECTION 1. In the abatement of a nuisance as provided in section 5, of chapter 66, of the Acts the 21st General Assembly, the officer shall be entitled to the same fees for removing and selling the movable property that he would be for levying on and selling like property on execution And for closing and keep-

ing closed, the building erection or place, as in said section required he shall receive such reasonable fees, as the Court may allow. All such fees and costs to be paid out of the proceeds of the property, sold so far as the same may be available.

SEC. 2. In any action brought by a citizen of the county as provided by section 1, chapter 66, of the Acts of the 21st General Assembly, no Officer, or witness shall be entitled to demand his fees, for services or attendance in advance. And the costs, in case of failure of the prosecution, or inability to collect the same from the defendant, shall be paid in the same manner as provided by law for the payment of fees in the case of criminal prosecutions. But nothing herein shall prevent the court trying such action from taxing the costs to the party bringing the same, in case it appears that the action was brought maliciously and without probable cause.

Demand for advance fees not allowed.

SEC. 3. In any action to restrain a nuisance brought under chapter 143, of the Acts of the 20th General Assembly, or Chapter 66 of the Acts of the 21st General Assembly, the party entitled under section 2, of said chapter 66, of the Acts of the 21, General Assembly, to demand a temporary injunction, shall be entitled, on such application for a temporary injunction, to prove the existence of such nuisance, by affidavits, depositions, or testimony of witnesses examined orally in court, at his election, unless the court has by previous order otherwise fixed the form and manner of evidence to be adduced, *provided* however that the plaintiff shall serve the defendant or his counsel with notice of such application, at least three days before such hearing.

Temporary injunction.

SEC. 4. In any action to enjoin a nuisance as authorized by section 12, of chapter 143, of the Acts of the 20th General Assembly and chapter 66, of the Acts of the 21st General Assembly, the injunction granted shall be binding on the party or parties enjoined throughout the Judicial District in which the Action is brought. And any person enjoined in such Action, who shall while such injunction remains in force, again engage in, or be in any manner concerned in the selling, or keeping for sale, contrary to law, of any intoxicating liquor, any where within the Jurisdiction of the court, he shall be deemed guilty of Contempt of Court and punished accordingly.

Injunction binding throughout district.

SEC. 5. In all cases of proceedings against persons charged with contempt for violating any injunctions, either temporary or permanent, issued or decreed, under said chapter 143, Acts of the 20, General Assembly or Chapter 66, Acts of the 21st General Assembly, or under this Act, the Court shall order that the Attorney prosecuting or constructing such proceedings against the person so charged, shall be allowed ten per cent. of the amount of the fine assessed against such person, if a fine be assessed against him. And the clerk of the court, when such fine is paid, shall pay over to such Attorney the amount thus allowed him.

Violation of injunction.

Chapter 66 acts
21 G. A. amended.

SEC. 6. That section 1553, of the Code as substituted and enacted in section 10 of chapter 66, of the Acts of the 21st General Assembly, be amended by striking out the words, "knowingly bring within this State for any other person or persons or Corporation or shall knowingly," where they occur in said section, and insert in lieu of the words so stricken out, the word "shall," and that said section 1553 be and same is further amended by adding at the end thereof the following: Provided however that the defendant may show as a defense hereunder by preponderance of evidence that the character and circumstances of the shipment and its contents were unknown to him.

Shipping package must be correctly labelled.

SEC. 7. It shall be unlawful for any common carrier or other person, to transport or convey by any means, from point to point or from one place to another within this State, any intoxicating liquor, unless the vessel, or other package containing such liquors, shall be plainly and correctly labelled or marked, showing the quantity and kind of liquor contained therein, as well as the name of the party to whom it is to be delivered. And no person shall be authorized to receive or keep such liquors unless the same be marked or labelled as herein required. The violation of any provision of this section, by any common carrier or any agent, or employe of such carrier or by any other person, shall be punished the same as provided in Sec. 1553, as substituted and enacted in Sec. 10, Chapter 66 Acts of 21st General Assembly, for the violation of the provisions of that section. And liquors conveyed or transported, or delivered without being marked or labelled as herein required, whether in the hands of the carrier or some one to whom it shall have been delivered shall be subject to seizure and condemnation as liquor kept for illegal sale.

Publication.

SEC. 8. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Iowa State Register" and "Des Moines Leader," newspapers published at Des Moines Iowa.

Approved April 12, 1888.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 19, and the *Des Moines Leader* April 20, 1888.

FRANK D. JACKSON, *Secretary of State.*