

cate to that effect, and on the presentation of such certificate to the clerk or recorder of the proper city or town, it shall be the duty of such clerk or recorder to file the same in his office, and to give his certificate, under the corporate seal, to the person entitled thereto, setting forth the name of the company of which such person shall have been a member, and the duration of such membership; and such certificate shall be received in all courts and places, as evidence that the person legally holding the same is entitled to the exemption hereinbefore mentioned: *Provided*, That nothing herein contained shall be so construed as to diminish any privileges now allowed by any law of this State to any member of any fire company in this State, but it shall be considered as conferring additional privileges.

Clerk's certificate.

SEC. 3. This act shall take effect from and after its publication according to law.

Approved January 28, 1857.

CHAPTER 157.

SUPPRESSION OF INTEMPERANCE.

AN ACT supplementary and amendatory to an act entitled an act for the suppression of intemperance, approved January 22d, 1855.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of section first, after the word provided, in the eleventh line, and section third, fourth and sixth, are hereby stricken out.

Repeal.

SEC. 2. Any citizen of the State and resident of the county in which he may be at the time, except hotel keepers, keepers of saloons, eating houses, grocery keepers, and confectioners, are hereby permitted to buy and sell intoxicating liquors for mechanical, medicinal, culinary and sacramental purposes only: *Provided*, he shall first procure the certificate of twelve citizens of the township in which he resides, that he is of good moral character and a citizen of the county and State, and shall give bond in the penal sum of not less than one thousand dollars, with two good and sufficient

Who may sell & who prohibited.

securities, to be approved by the county judge, that he will conform to the provisions of this act and the act to which this is amendatory.

Duty of county judge.

SEC. 3. Upon the presentation of such certificate to the county judge, he shall cause such person, presenting such certificate, who desires to buy and sell intoxicating liquors, to enter into a bond as aforesaid; that he will faithfully conform to the provisions of this act and the act to which this is amendatory; that he will keep an accurate account in a book kept for that purpose, of all his purchases and all his sales, specifying in such account the kind and quantity and price of the liquor bought by him, the date of each purchase made by him and the name of the person of whom such purchase was made; the kind and quantity and price of liquor sold by him, the name of the purchaser at every such sale, and the use for which the liquor on every such sale was sold as stated by such purchaser, said account to be at all times open to the inspection of the county judge, prosecuting attorney, and grand jurors. The bond shall be deposited with the clerk of the district court, and suit shall be brought thereon at any time by the prosecuting attorney of the county in case said conditions mentioned in said bond shall be broken. All monies collected on such bond shall go to the school fund of such county.

False statement.

SEC. 4. If any person purchasing intoxicating liquors of such person so authorized to sell, shall make to such person any false statement regarding the use to which such liquor is intended by the purchaser to be applied, such person so obtaining such liquor shall be deemed guilty of misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine of ten dollars, together with costs of prosecution, and shall stand committed until the same is paid. For the second offence he shall pay a fine of \$20 and costs of prosecution, and be imprisoned in the county jail not less than ten nor more than fifty days.

Officers to inform.

SEC. 5. It shall be the duty of all peace officers to see that this act and the act to which this is amendatory are faithfully executed, and when informed that the law has been violated, or when they have reason to believe that the law has been violated, and that proof of that fact can be

had, it shall be the duty of such officers, and it is hereby made their special duty to go before a magistrate and make information of the same and of the person so violating the law. Upon the filing of such information before a magis-^{Trial.}trate it shall be his duty to institute a suit and proceed to the arrest and trial thereof according to law. Upon trials be-^{Prosecuting}fore a magistrate, it shall be the duty of the prosecuting at-^{attorney.}torney to appear for the State, unless the person filing such information shall select some other attorney. The prose-^{Prosecuting}cuting attorney, or any other attorney selected and appear-^{attorney.}ing and prosecuting such trial before a magistrate, shall be allowed the sum of five dollars to be paid out of the county treasury by order from the county judge of such county; any peace officer failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office.

SEC. 6. The principal and securities in the bond men-^{Principal and}tioned in the preceding section shall be jointly and severally ^{security.}liable for all fines and costs that may be adjudged against the principal for any violation of any of the provisions of this act or of the act to which this amendatory, and shall also jointly and severally be liable for all civil damages and costs that may be adjudged against such principal in any action authorized to be brought against him by the provisions of this act or the act to which this is amendatory.

SEC. 7. If any railroad conductor, freight agent, ex-^{Carriers liable.}pressman, depot master, or other person in the employment or in any manner connected with any railroad corporation, or any teamster, stage driver, or common carrier of any kind, or any person professing to act as agent for any other person or persons, whether within or without this State, or any other individual of whatever calling, shall bring with-^{Importing.}in this State for any other person or persons, any intoxicating liquor, without first having been furnished with a copy of the certificate authorizing such person or persons to sell such intoxicating liquors, certified by some justice of the peace to be correct, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine for the first offence ^{Penalty.}of twenty dollars, and be imprisoned in the county jail

thirty days; for the second and each subsequent offence shall forfeit and pay a fine of fifty dollars, and be imprisoned in the county jail ninety days.

Evasions.

SEC. 8. Courts and jurors are requested to construe this act and the act to which this is amendatory so as to prevent evasion, and so as to cover the act of giving as well as selling by persons not authorized.

Intoxicating liquor defined.

SEC. 9. Wherever the words "intoxicating liquors" occur in this act, or the act to which this is amendatory, the same shall be construed to mean all spirituous, malt, and vinous liquors: *Provided*, that nothing in this act shall be so construed as to forbid the manufacture of cider from apples, or wine from grapes, currents or other fruits, grown or gathered by the manufacturer.

Take effect.

SEC. 10. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter: *Provided*, that the agents, appointed under the act to which this is amendatory, who may have any intoxicating liquor on hand at the time of the taking effect of this act, may sell the same according to the provisions of this act or the act to which this is amendatory: *Provided further*, that all suits instituted under the act to which this is amendatory, and pending upon the taking effect of this act, shall be prosecuted the same as if this had not passed.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 20, 1857, and in the Iowa Capital Reporter, Feb. 21, 1857.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 158.

PUBLIC SCHOOLS.

AN ACT for the better regulation of public schools in cities, towns and densely populated school districts.

School district

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any incorporated city, town or school district in this State, containing two hundred inhabitants or