

the State of Iowa, That no action shall be hereafter brought in any of the courts of this State, against any county therein, on any unliquidated claim against such county, until the same shall have first been presented to the Board of Supervisors and payment thereof demanded, anything in the laws now in force to the contrary notwithstanding. Suit can not be brought until pay'm't is demanded of Board of Supervisors.

SEC. 2. This act being deemed of immediate importance shall take effect from and after publication in the *Des Moines Daily Times* and *State Register*.

Approved April 2d, 1862.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Times*, April 5th, 1862, and in the *Daily State Register* May 2d, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 94.

RELATING TO THE SUPPRESSION OF INTEMPERANCE.

AN ACT to amend the law in reference to the sale of intoxicating liquors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*: That no privilege claimed by any person to sell intoxicating liquors, granted pursuant to the provisions of Chapter 157 of the Acts of the Sixth General Assembly of the State of Iowa, shall continue to be in force more than sixty days after this Act takes effect. County Liquor Agency.

SEC. 2. That all such permissions hereafter issued by virtue of said Act, shall specify the house in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months. Permits shall describe the house.

SEC. 3. The account book of purchases and sales required by the third section of said recited Act, to be kept by any person having or obtaining said privileges, shall at all times, be subject to the inspection of the Sheriff or any Constable or Marshal, and of all Justices of the Peace of the County, and shall be produced by the party keeping the same, to be used as evidence on the trial of any prosecution against him, or against liquors alleged to have been seized from him, or his Acc't. books subject to inspection.

house, on notice duly served that the same will be required as evidence.

Upon information the Co. Judge shall summon agents to appear and answer for selling in violation of law.

SEC. 4. When any person, resident of the county, shall file a written information, on oath, before any County Judge, charging any one now holding, or who may hereafter hold such privilege, with violating said Act, either by failing to keep a correct record of purchase or sale, or by making false entries in such record or account, or by selling colorably, and under pretence of complying with the law, but substantially in violation thereof, or when any Sheriff, Constable, or Marshal, of the County, shall, in his official character, make, sign, and file such written information, it shall be the duty of the County Judge to issue his notice to the accused, to appear before him in Court, at a time fixed, to show cause why his permit shall not be vacated; and for the purpose of trial, either party may have witnesses summoned as in other cases.

Permits may be revoked.

The defendant may answer the complaint or charge, and the County Court, either in default, or in answer, or on finding any of the charges sustained by proof, shall revoke the permission to the party to sell liquor, and shall adjudge the defendant to pay the costs; and no person whose permission shall be revoked by the County Court, shall be capable of holding such privilege again within this State for the space of two years thereafter.

Confiscation and destruction of intoxicating liquors

SEC. 5. When intoxicating liquor shall be seized under search warrant by virtue of the laws now in force, it shall be no bar to the confiscation and destruction of the same, that the party claiming the same, has a permit under this or any former Act, if the court or jury trying the facts shall be satisfied, from the proof, that the defendant has sold such liquors in violation or evasion of law, and at the time of the seizure had the liquors in question, with the intention of selling the same contrary to law, and any judgment of a competent tribunal condemning liquors seized under such warrant, from any person holding such permit, or convicting him of selling contrary to law, shall work a forfeiture of his privilege.

Jurisdiction of Courts under this Act.

SEC. 6. That the County Courts of this State, shall have and exercise the same jurisdiction in all cases under this Act, and the several Acts now in force, in reference to the keeping and sale of intoxicating liquors, as Justices of the Peace now have; and the County Judge shall be entitled to the same fees which Justices of the Peace are allowed for like services. Either party may demand a jury before the County Court, of the same number, and in the same manner as a defendant now

Entitled to a Jury.

may before a Justice of the Peace, except in cases re-
 No Jury al-
 relating exclusively to the vacation of permits to sell lowed.
 liquor, and except judgments vacating such permits,
 appeals may be taken to the District Courts, from the
 judgments of the County Courts, in the same manner as
 as from the judgments of Justices.

SEC. 7. The sureties of every person obtaining such
 permit from any County Judge, under the provisions of ^{Sureties must}
 the Act herein first recited, shall enter into a recogniz- ^{enter into re-}
 cognizance. ^{cognizance.}
 in the presence of the County Court, containing
 the same stipulations as the bond required in the third
 section of said Act, which fact together with the names
 of the sureties, shall be entered upon the record, and so
 cited in a permit to be issued by the Court; and any
 judgment which shall thereafter be rendered against the
 principal for any fine or cost, or vacating any permit in
 consequence of any act committed during its continu-
 ance, and violation or evasion of law, shall be conclu-
 sive on such sureties, in any suit or proceeding against
 them on said recognizance.

SEC. 8. Any permit procured or obtained under this ^{Fraudulent}
 Act, or the Act last recited, by any person not entitled ^{permit shall}
 to the same, by the provisions of said Act, shall be ^{be void.}
 deemed fraudulent and void; and any one who, after
 obtaining such permit shall enter upon or be engaged in
 any pursuit, in consequence of which he would not be
 eligible to obtain such permit, shall be deemed to have
 abandoned the same, and shall thereafter claim no pro-
 tection thereby.

SEC. 9. The Act approved 22d January, 1855, for ^{Search War-}
 suppression of intemperance, is hereby so amended as to ^{rants.}
 allow search-warrants provided for by said Act, to be
 issued on the written information on oath, of one credi-
 ble person, a resident of the County, instead of three,
 as now provided; said information and search-warrant
 to describe the place to be searched as well as the liquors
 to be seized, with reasonable particularity. When any
 liquors shall have been seized by virtue of any such
 warrant, the same shall not be discharged or returned to
 any person claiming the same, by reason of any alleged
 insufficiency of description in the warrant of the liquor
 or place, but the claimant shall only have a right to
 be heard on the merits of the case.

Approved April 2, 1862.