

A BILL

FOR AN ACT FOR LOCAL OPTION AND TO REGULATE AND CONTROL THE MANUFACTURE AND SALE OF MALT, SPIRITUOUS AND VINOUS LIQUORS.

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

SECTION 1. The trustees of any township or the city council of any incorporated town or
2 city are hereby authorized to issue permits for the sale of intoxicating liquors, including
3 ale, wine and beer, subject to the following regulations.

SEC. 2. All applications for permits to sell under the provisions of this act must be by
2 petition, and said petition must be filed with the town or city clerk if the business is to be
3 carried on in an incorporated town or city, or with the township clerk if the business is to
4 carried on outside the corporate limits of a town or city, at least ten days before the permit
5 is granted, and notice that such permit will be asked must be published in some newspaper
6 of general circulation published in said town, city or township where such business is to be
7 carried on; or, if no paper is published in such town, city or township then in the paper
8 nearest to where the business is to be transacted. Such publication must be made one week
9 or more before such permit is granted. Said petition filed as aforesaid must specify the
10 name of the party making the application, the city or township in which the business is to
11 be transacted, and as nearly as possible shall designate the locality in such town, city or
12 township.

SEC. 3. At the next meeting of the town or city council or the township trustees so peti-
2 tioned, following the expiration of published notice, the prayer of the petitioner shall be
3 granted provided the applicant is a person of good character and a suitable person to be
4 granted such permit. At such meeting any citizen of the said town, city or township may
5 appear and show cause why such permit should not be issued.

SEC. 4. In case no regular meeting of the township trustees occurs within a period of two
2 months from the filing of said application the township clerk shall call a special meeting
3 of the trustees within twenty days from the filing of the application for the purpose of pass-
4 ing on the application, but when the application is for a permit to do business within an
5 incorporated town, city the township trustees shall not have jurisdiction.

SEC. 5. At the time of the filing of said petition, the petitioner shall also file a bond in
2 the penal sum of \$5,000, conditioned on the faithful compliance of the provisions of this law,
3 and that he will pay all damages, fines, penalties or forfeitures that may be adjudged against
4 him under this act. Said bond shall have at least two sureties, and no surety shall be a per-

5 son engaged in the business of selling intoxicating liquors, and said bond shall be approved
6 by the town or city council, or the township trustees, as the case may be, before the said
7 petition shall be granted and a permit issued as petitioned for.

SEC. 6. If the city council or the township trustees, as the case may be, find that the
2 petitioner has fully complied with the foregoing provisions of this act, and that the appli-
3 cant is a suitable person to sell intoxicating liquors, including ale, wine and beer, they shall
4 grant such permit, and the mayor of such town or city, or the clerk of such township,
5 shall issue a license for the transaction of such business after the applicant shall have paid
6 the said mayor, or the township clerk, one-quarter of the yearly license fee as provided by the
7 city council or the township trustees, and presented a receipt of the auditor of the county
8 in which such business is to be transacted, showing that the applicant has paid the full sum
9 of two hundred and fifty (\$250) dollars to the county for a yearly permit to transact such
10 business. The city or township license shall state the time for which such permit is granted,
11 which shall not exceed one year from date of issue, and shall be null and void without the
12 owner thereof also holds a county permit. New permits shall be issued by the mayor or
13 township clerk at the expiration of the time for which the old permit was granted upon the
14 applicant paying the requisite quarterly license fee and having a county permit as provided
15 by this act.

SEC. 7. City or town licenses shall be signed by the mayor and city clerk, and township
2 licenses by the township clerk, and shall be in the following form :

3 " State of Iowa, County of....., City (or township) of.....

4 The city council (or township trustees) having been duly petitioned as provided by law and
5 satisfactory bond having been duly filed by the applicant, this permit is issued to
6, to sell intoxicating liquors at.....

7 subject to the following conditions, a violation of any of which shall be sufficient cause
8 for revoking this license: The said..... shall not sell

9 nor give away either by himself, his agents or employes, any malt, spiritous or vinous
10 liquors to the following described persons :

11 *First.* A minor.

12 *Second* A person who is intoxicated.

13 *Third.* An habitual drunkard.

14 *Fourth.* A person whose wife, husband, child, parent, brother or sister is depending on
15 him or her for support, and to whom the sale has been forbidden by written notice, said
16 notice being served as other legal notices are served.

17 *Fifth.* Nor shall he permit a minor in his saloon unless accompanied by the parent or
18 guardian. or is permitted by the parent or guardian to enter the saloon on an errand.

19 He shall close his place of business permitted hereby at o'clock p. m., and shall not

20 open until a. m., as provided by town or city council or township trustees.

21 He shall close his place of business on Sundays, and on election day until after the polls
22 are closed, and shall not allow liquors to be taken from his premises on such days.

22 He shall conduct his business in a quiet and orderly manner ; allow no music, singing or
24 boisterous conduct in his place of business.

25 Said having paid to the county auditor the full sum
26 of \$250 for a county permit which expires, 188.., and having paid his
27 quarterly license fee of to the town or city (or township) in advance, is
28 hereby authorized to sell intoxicating liquors, including ale, wine and beer at
29 in the city (or township) of, county of, State
30 of Iowa.

31 The said shall keep this license posted in a conspicuous
32 place in his saloon as long as he continues in business.

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SEC. 8. No city, town or township license or permit shall be issued under this act until
2 the party making application has paid to the auditor of the county where the business is
3 to be transacted, the sum of \$250, which shall entitle him to a county permit to transact
4 such business for a period of one year from the date of payment, and shall be in the fol-
5 lowing form :

6 State of Iowa, county,, 188..,
7 having paid the sum of \$250.00 is hereby granted a permit to sell intoxicating liquors, ale,
8 wine and beer in as provided by law. This permit does not entitle
9 the holder to transact such business in any town, city or township which has prohibited the
10 sale thereof, nor does it entitle him to sell until he has fully complied with the local regula-
11 tions of such city (or township).
12, Auditor.

13 In addition to the sum of \$250 paid by the applicant to the county auditor, the township
14 trustees of the township wherein the business is to be carried on, may at their discretion
15 charge the applicant not to exceed \$250 for a township license, and in addition to such county
16 license the council of an incorporated town of less than one thousand inhabitants, may at
17 their discretion charge the applicant not to exceed \$500 for a license. Towns of cities hav-
18 ing more than one thousand and less than five thousand inhabitants may charge an addi-
19 tional sum not to exceed \$1,000. Cities having over five thousand and less than ten thous-
20 and inhabitants may charge an additional sum not to exceed \$1,500, and cities having over
21 ten thousand inhabitants may charge an additional sum not to exceed \$2,000.

SEC. 10. The money paid for county permits shall be paid into the county fund, the

2 money paid for township permits, shall be paid into the road fund of such township, and
3 the money paid for town or city permits shall be paid into the corporation fund of such
4 city.

SEC. 11. Cities having special charters shall be deemed the same as incorporated cities for
2 the purposes herein mentioned.

SEC. 12. Any person licensed under this act who shall sell or give away, either by him-
2 self, agent or employe, any malt, spirituous or vinous liquors from any original package,
3 cask, barrel or bottle not labeled "pure" or "unadulterated," by the manufacturers thereof
4 shall, upon conviction thereof, pay not less than \$25 nor more than \$100, for each offense,
5 and stand committed until the fines and costs are fully paid, any malt, spirituous or vinous
6 liquors found in his or her possession containing poisonous adulterations, shall be con-
7 demned and destroyed, and any manufacturer in this State who shall sell malt, spirituous
8 or vinous liquors, which are adulterated with any poisonous mixture shall be guilty of a
9 misdemeanor, and on conviction thereof shall be fined not less than \$25 nor more than \$100
10 for each offense, and stand committed until the fine and costs are fully paid. An analysis
11 made by a practical chemist shall be deemed competent testimony under the provisions of
12 this act, and all sales of adulterated liquors in violation of this section shall be null and
13 void, and no action of any kind shall be maintained in any court in this State for such liq-
14 uors or the value thereof, sold in any other State or country, nor shall any action be main-
15 tained for the recovery or possession of such adulterated liquors, nothing, however in this
16 section shall effect negotiable paper held by good faith purchasers, for valuable considera-
17 tion, without notice of any illegality in its inception or transfer, or the holder of land or
18 other property, who has taken possession of the same in good faith, without notice of any
19 defect in the title of the person from whom the same was taken growing out of a violation
20 of the provisions of this chapter.

SEC. 13. Any person or persons having any liquors in their possession contrary to the
2 provisions of this act, may be proceeded against by search warrant according to the pro-
3 visions of Chapter 6, Title XI, Code of Iowa.

SEC. 14. Any minor who for the purpose of obtaining liquors, shall fraudulently repre-
2 sent himself as being of age and shall thereby procure such liquors shall be guilty of a mis-
3 demeanor and on conviction thereof shall be fined not less than \$5.00, no more than \$25.00
4 for each offense and stand committed until such fine and costs are fully paid.

SEC. 15. Any person licensed as herein provided who shall by himself, agent or other-
2 wise, sell or give away any malt, spirituous or vinous liquors to a minor, an intoxicated per-
3 son, or habitual drunkard, or to a person whose wife, husband, child, parent, brother or sis-
4 ter depending on such person for support has forbidden the sale thereof in writing, said no-
5 tice being served as other legal notices are served, shall upon conviction thereof forfeit and

6 pay for each offense a sum not less than \$50.00 nor more than \$100.00, to be collected by ac-
7 tion against him and the sureties on his bond.

SEC. 16. Any wife, parent, child, brother or sister who shall be injured in person or prop-
2 erty or means of support in consequence of the sale of such liquors in violation of this act
3 shall have the right of action in his or her own name against the party selling the same
4 and the sureties on his bond for all damages actually sustained as well as exemplary dama-
5 ges, and a married woman shall have the right to bring suit, prosecute and control the
6 same, and the amount recovered as if a single woman, and all damages recovered by a mi-
7 nor under this section shall be paid either to such minor or his or her parent or guardian
8 or next friend as the court may direct. All suits under this section shall be by civil action
9 in any court having jurisdiction.

SEC. 17. Any person who shall sell or give away any malt, spirituous or vinous liquors
2 without first having complied with the provisions of this act, or shall sell such liquors in
3 any town, city or township where the same is prohibited, shall for each offense be deemed
4 guilty of a misdemeanor, and upon conviction, shall for the first offense be fined not less
5 than \$25 nor more than \$100, and for each subsequent offense shall be fined not less than
6 \$500, and shall stand committed until the fine and costs are fully paid. *Provided that*, any
7 person or persons shall be allowed to sell wine made from grapes grown or raised by such
8 person or persons in this the State of Iowa, on the land belonging to or occupied by such
9 person or persons in quantities not less than one quart, without procuring the license pro-
10 vided in this chapter.

SEC. 18. The town or city council or the township trustees may for immoral conduct or
2 for other causes deemed sufficient, revoke the license issued by them to a vender of intoxi-
3 cating liquors. When such permit is revoked no part of the fees paid for a permit shall be
4 refunded, but when a city or township which has granted such license shall after granting
5 the same, vote for prohibition, and thus prevent the further transaction of the business so
6 licensed, the board of supervisors shall refund to the party holding the permit the propor-
7 tional amount of the \$250, for the unexpired time for which the license was granted, and in
8 like manner the city council or the township trustees shall refund the proportional amount
9 of license fee paid to such city or township.

SEC. 19. All suits for damages and expenses arising under this act, may be commenced
2 and prosecuted before a justice of the peace when the damages claimed do not exceed the
3 jurisdiction of said justice.

SEC. 20. All fines and penalties received under the provisions of this act, shall, when col-
2 lected, be paid into the proper treasury for the use of the school fund.

SEC. 21. Whenever one third of the voters of any incorporated town, city, or township,
2 as shown by the last preceding census, shall petition the city council or township trustees,

3 asking that the question of issuing permits to sell intoxicating liquors, ale, wine and beer,
4 shall be submitted to a vote of the people, the city council, or township trustees so peti-
5 tioned shall order a special election to be held in such city or township, said election to be
6 held in the same manner as other corporation or township elections are held. The ballots
7 cast at such election shall have written or printed thereon the following words, "Shall
8 alcoholic liquors, ale, wine and beer be sold in this city (or township)," and following these
9 shall be written or printed the word "Yes" or the word "No." The ballots shall be
10 counted and tallied in the same manner as at a general election. The next day succeeding
11 such election (Sunday not being counted) the town or city council or the township trustees,
12 as the case may be, shall meet and canvas the vote, and shall within three days thereafter
13 certify the same to the county auditor, who shall make the returns a matter of record, and
14 if the majority of the ballots cast shall be against granting such permits then the sale of
15 alcoholic liquors, ale, wine and beer shall be absolutely prohibited under this act in such
16 city or township, and no license shall be granted either by the county auditor or by the city
17 council or township trustees, and all licenses then held by parties engaged in such business
18 shall be null and void after thirty days from the date of such election; *provided, further,*
19 that no election under this act shall again be held in such city or township until after the
20 expiration of two years.

SEC. 22. In all cities, towns and townships in this State, except where such special elec-
2 tions have been held and the majority of the votes cast were in favor of the granting of
3 such permits, no such permits or license shall be issued.

SEC. 23. Chapter 143 and chapter 8 of the laws of the Twentieth General Assembly, relat-
2 ing to the manufacture and sale of intoxicating liquors, also all sections of the Code between
3 and including sections 1523 and 1543, also sections 1550, 1552, 1553, 1554, 1555, 1556, 1557, 1558
4 and 1559 of chapter six, title XI, of the Code of Iowa, be and the same are hereby repealed
5 and the words, "this chapter," in sections 1544 and 1546 of chapter 6, title XI, of the Code
6 are hereby stricken out and the word "law" inserted in lieu thereof.

SEC. 24. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 25. This act being deemed of immediate importance shall be in full force and effect
2 after its publication in the Iowa State Leader and the Iowa State Register, newspapers
3 published in the city of Des Moines, Iowa.