

A BILL

FOR AN ACT TO EMPOWER MUNICIPAL CORPORATIONS TO SUPPRESS AND RESTRAIN LIQUOR SALOONS.

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

SECTION 1. That all liquor saloons, or establishments, shops, stores, or places where intoxicating liquors are sold or kept for sale in violation of law are hereby declared to be disorderly houses and subject to suppression and restraint by municipal corporations.

SEC. 2. All cities and incorporated towns are hereby authorized and empowered to provide by ordinance for the suppression and restraint of such disorderly houses, and to enforce orders for such suppression and restraint by penalties as hereinafter provided.

SEC. 3. It shall be the duty of all police officers of cities and incorporated towns to make diligent effort to discover the existence of such disorderly houses, and the city marshal shall, on or before the second day of every month make a verified report in writing to the mayor, stating the exact location of all such drinking saloons, or other places within such city or incorporated town where intoxicating liquors are sold or kept for sale in violation of law ; and the marshal shall demand and receive from all members of the police force information of facts within their knowledge in relation to the existence of liquor saloons ; and the marshal's report to the mayor shall contain the names of the owners, proprietors, bartenders and agents of each saloon respectively.

SEC. 4. Upon such verified report of the marshal the mayor shall issue orders, written or printed, and deliver the same to any police officer or officers of such city or incorporated town, commanding such police officer or officers to suppress and restrain such saloons or disorderly houses, naming the proprietor, bar-tender and agents of such saloon, and commanding the assistance and obedience of such proprietor, bar-tender and agents in such suppression and restraint.

SEC. 5. In the execution of the order provided in section four of this act, the police officer or officers shall have and exercise the power to enter upon the premises designated in the order, to remove without force all persons found upon the premises, to close the doors of the establishment, and to notify the proprietor, bar-tenders and agents of such disorderly house to discontinue using such saloon, shop, store or place for the unlawful purpose of selling or keeping for sale intoxicating liquors in violation of law, and warning them to refuse and prohibit any person or persons to enter such premises for the purpose of buying or receiving intoxicating liquors sold or kept for sale in violation of law.

SEC. 6. Every proprietor, bar-tender or agent of such saloon or disorderly house who shall willfully resist or oppose the execution of the order provided for in section four of this act, or who shall willfully violate any provision of the same, either by re-opening such saloon for the unlawful purpose of selling intoxicating liquors in violation of law, or by permitting any person or persons to enter, be or remain on the premises for the purpose of purchasing or drinking any intoxicating liquors sold in violation of law, shall upon conviction pay a fine of not less than \$50 nor more than \$100, with costs of prosecution and be imprisoned until the fine and costs are paid.

SEC. 7. Every person, other than the proprietor, agents or bar-tenders of such disorderly house, who shall be ordered to go from and remain out of such disorderly house, and who being thus ordered to go and remain out, under and by virtue of the mayor's order provided for in section four of this act, shall upon conviction of resistance to such order, or neglect or refusal to obey the same be punished by a fine of five dollars and costs of prosecution, and be imprisoned until the same is paid.

SEC. 8. Every police officer having reasonable ground for believing that any saloon, shop, store or place is used or occupied as a disorderly house within the meaning of this act, is hereby authorized at all times to enter, without breaking, any such saloon, shop, store or place for the purpose of obtaining evidence of facts tending to prove its character.

SEC. 9. No person other than the owner, proprietor, agent or bar-tender of such disorderly house shall be exempted from testifying in relation to the same on the ground that such evidence might tend to criminate him; and no such evidence by him given shall ever be used against him in any criminal prosecution.

SEC. 10. In all prosecutions for the maintenance of a disorderly house in violation of the mayor's order to suppress and restrain the same, proof that a United States license for the sale of malt or spirituous liquor is displayed in such house, or that a sign board is displayed in or on such house indicating that intoxicating liquors are there sold or kept for sale, or that any person or persons other than the proprietor or agents, were seen drinking intoxicating liquors on the premises, will be accepted as *prima facie* evidence that such house, place or building is a disorderly house, and the burden of proving the right to sell or keep such liquors for sale shall rest on the accused.

SEC. 11. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the State Register and State Leader, newspapers published at the city of Des Moines.