

a party to the suit, the court, before whom such cause shall be pending, may enter up judgment against the goods and estate of the deceased party, in the same way and manner as judgment might have been, in case the executor or administrator had voluntarily, after such death, made himself a party to the suit: *Provided*, always, That such executor or administrator be duly served with a notification from the clerk of the court, where such suit is pending, fourteen days beforehand.

SEC. 134. In all cases where executors and administrators have been heretofore appointed, and who shall not have completed their respective administrations or executorships before this act shall take effect, such executors or administrators shall be deemed to be within the provisions of this act, in relation to the revocation of their powers, giving of new or additional bonds, bonds to save securities harmless, and in relation to the payment of debts to creditors, and the remainder of the estate to distributees, and in relation to performance of their duties generally, wherever the provisions of this act shall be deemed applicable: and the courts of probate, in such cases, shall cause the settlements to be made, and the administration completed, according to the rules and regulations herein prescribed, without delay: *Provided*, That no executor or administrator shall be liable for any act done or performed by him, as such, in conformity with the existing laws, or such laws as may be in force at the time this act takes effect.

SEC. 135. That after the taking effect of this act, all acts, and parts of acts, coming within the purview, or conflicting with this act, are hereby repealed.

SEC. 136. This act to take effect from and after the first day of May next.

APPROVED, January 25, 1839.

WORSHIPING CONGREGATIONS.

AN ACT to preserve good order in all worshiping congregations in this Territory.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That any person who shall, by menace, profane swearing,

Notice.

Administra-
tions, &c., not
completed
when this act
shall take ef-
fect.

Proviso.

Repealing
clause.

How the mis-
demeanor.

- herein mentioned, may be committed.
- Selling liquors, within what distance; exception, as to tavern keepers.
- Penalty.
- Jurisdiction, and duty of justices of the peace.
- Defendant may have a trial, by jury, of six, or twelve men.
- Discretion of jury, as to the fine, on conviction, or plea of guilty.
- Collection of the fine; with whom deposited, and the purpose to which it shall be appropriated.
- Appeal to the district court, allowed.
- vulgar language, or any disorderly, or immoral conduct, interrupt and disturb any congregation, or collection of citizens assembled together for the purpose of worshiping Almighty God, or who shall sell, or attempt to sell, or otherwise dispose of, ardent spirits, or liquors, or any article which will tend to disturb any worshiping congregation, or collection of people, within two miles of such place, unless the person, so selling, or disposing of said spirituous liquors, or articles, shall be regularly licensed to keep a tavern, or grocery, and shall sell the same at his said tavern, or grocery, to travelers, any person so offending shall be deemed guilty of a high misdemeanor, and upon conviction, shall be fined in any sum not exceeding fifty dollars.
- SEC. 2. Justices of the peace respectively, in their several counties, shall have jurisdiction of the aforesaid offence, and may, on view, or upon information, on oath, cause every such person, having offended as aforesaid, to be apprehended and brought before him, to answer such charge.
- SEC. 3. Any person who shall be accused as aforesaid, if he choose it, shall have the cause tried by a jury, of six lawful jurors, and, if he shall insist, by a full jury of twelve, who shall be summoned to try the cause, and if the jury shall find the accused guilty, they shall assess and state the amount of the fine, not more than is stated in the first section of this act, upon which the justice, before whom the trial shall be had, or in case the person shall plead guilty, shall give judgment for fine, and costs, and proceed to collect the same, without delay, and (when said fine shall be required), to pay it over, without delay, to the treasurer of the proper county, taking his receipt therefor, and which receipt shall be filed with the clerk of the board of county commissioners, after which the said fine, or fines, which may be thus deposited, shall be subject to the control of said court, and appropriated to the education of any poor orphan child, or children, of the proper county.
- SEC. 4. Any person, who may consider himself, or herself aggrieved by the judgment of the justice, may appeal to the district court of the county, and may remove the same, as in cases of assault and battery.

APPROVED, January 24, 1839.