

which may be lawfully required in this territory, to any person willing to take it, and to take and certify depositions to be used in any of the courts of this territory in conformity to the laws thereof, either on interrogatories proposed under commission from a court of this territory, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law, by a magistrate in this territory.

SEC. 4. Commissioner to qualify. Every such commissioner, before performing any duty, or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation, before a judge or clerk of the supreme court of the state or territory, in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under, and by virtue of the laws of the territory of Iowa, which oath, and a description of his seal of office, together with his sig- [8] nature thereto, shall be filed in the office of the secretary of this territory.

SEC. 5. Fees allowed. That every such commissioner shall be entitled to receive the same fees for his services as are now allowed for similar services by the laws of the state for which such commissioner is appointed.

Approved. January 9th. 1846.

CHAPTER 10.

RELIGIOUS ASSEMBLIES.

AN ACT supplementary to an act entitled "An act to preserve good order in all worshipping congregations in this territory," approved, January 4th, 1839.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Selling liquors etc. within two miles of religious assemblies prohibited. That no person shall keep any shop, booth, tent, wagon or other carriage, vessel or boat, for the sale of spirituous or other liquors, or any provisions or other articles of traffic whatever, or sell or expose to sale, give, barter or otherwise dispose of, in, or near such shop, booth, tent, wagon or other carriage, vessel or boat, or in any other way or place any spirituous or other liquors or any provisions or other articles of traffic whatever, at or within the distance of two miles from the place where any religious society or people are collected or collecting together for religious worship, in any field or woodland or other place of public worship: provided, that nothing in this act shall affect tavern or grocery keepers, exercising their calling in the places mentioned in their license, nor distillers or manufacturers, or others in the prosecution of their ordinary calling or business from vending or exposing to sale the articles above forbidden, at their usual place of vending the same, or at their residence, nor any person who shall have a written permit from the person or persons having the oversight, charge or management of such religious society, to sell bread or other provisions for the supply of persons attending such religious worship, their horses or cattle, such persons conforming to the legal regulations of said religious assembly and to the laws of the territory.

SEC. 2. Penalty for violating the law. That any person who shall be guilty of a breach of this act, shall be notified in writing by the person or persons having the [9] oversight, charge or management of such religious assembly, or by any other person that he, she or they are violating the law;

and if after such notice, such person shall continue in such violation, he, she or they shall forfeit and pay for every such offense a fine not exceeding fifty dollars to the county where such offense shall be committed, for the use of common schools in such county.

SEC. 3. Mode of prosecution. All offenses against the provisions of this act shall be prosecuted under the provisions of the act to which this is supplementary.

SEC. 4. Act in force first of March, 1846. This act shall take effect and be in force from and after the first day of March next.

Approved, January 15th, 1846.

CHAPTER 11.

SCHOOL TAX.

AN ACT to amend an act entitled "An act to establish a system of common schools," approved, January 16, 1840.

Be it enacted by the Council and House of Representatives of the Territory of Iowa,

SECTION 1. Assessment of school tax. That for the purpose of providing a fund for the support of common schools in the several counties of this territory, that it shall be the duty of the boards of commissioners of the several counties, at the time of levying the tax for county purposes, to levy a tax, not less than one mill, nor more than five mills on the dollar, on the assessed value of all the property real and personal, within their respective counties.

SEC. 2. Duty of county clerk. That it shall be the duty of the several clerks of the boards of commissioners, at the time of making out the assessment rolls, to append thereto a column containing the amount of school tax, levied agreeably to the provisions of the first section of this act.

SEC. 3. Duty of treasurer. That it shall be the duty of the treasurer to collect the school tax, at the same time, and in the same manner that territorial and county taxes are now collected, and shall be entitled to the same remedies to enforce the collection of the said tax, as is now allowed to the treasurer in the collection of other taxes, to lay before the board [10] of commissioners on the first Monday in January of each year a statement showing the amount of the school tax paid, the amount remaining unpaid, and a complete list of the lands and property on which the school taxes remain unpaid; which shall be filed in the office of the clerk of the board of commissioners, together with a statement of the amount of money in his hands appropriated by law to the use of common schools.

SEC. 4. Apportionment of school funds. That it shall be the duty of the clerk of the board of commissioners to make a fair apportionment of the money in the hands of the treasurer, for the use of schools on the first Monday of January, to the different townships, according to the number of children between the ages of five and twenty-one years, as shown by the report of the school inspectors of the townships, and deliver to the chairman of the board of inspectors an order on the treasurer of the county for the amount of money to which his township is entitled.

SEC. 5. Parents to pay deficiency. That whenever the amount of money received by any school district, from the fund created by this act, shall be insufficient to pay for the services of the teacher, the deficit shall be