

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

assessed upon the parents or guardians of the children in proportion to the length of time they shall severally have attended school during the term when such deficiency shall have arisen.

SEC. 6. [**Compensation to clerk and treasurer.**] That the board of commissioners shall allow to their clerk out of the county treasury, a fair compensation for the services required by this act, and the treasurer shall be allowed one per cent. for collecting and paying out school funds.

SEC. 7. [**Fines, etc. appropriated to use of school funds; proviso.**] That all fines collected for any breach of the penal laws of this territory, all monies arising from the granting of licenses for the sale of ardent spirits by the county commissioners, and all sums of money in the respective treasuries arising from the sale of water crafts, lost goods and estrays, under the provisions of the 11th section of the act concerning water crafts, lost goods and estrays, be and the same are hereby appropriated to the use of common schools within the county wherein they accrue: provided however, that nothing in this act contained shall be so construed as to prevent the county commissioners from receiving county orders for all fines assessed under this act.

SEC. 8. **Repealing clause.** That the third article of the eighteenth section and all acts and parts of acts that conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 9. **Act in force from passage.** This act to take effect and be in force from and after its passage.

Approved, January 15th, 1846.

[11] CHAPTER 12.

CONSTABLES.

AN ACT defining the term of office of constables.

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

SECTION 1. **Constables elected for two years.** That hereafter the constables in all of the townships and precincts of this territory, shall be elected for the term of two years, and shall continue in office until their successors are duly elected and qualified.

SEC. 2. **Part of act of June, 1837, repealed.** Be it further enacted, that so much of an act entitled an act for the election of constables and defining their duties, approved January 29th, 1839, and all subsequent acts as conflict with this act, be and the same are hereby repealed.

SEC. 3. **Act in force 1st April, 1846.** This act shall take effect and be in force from and after the first day of April, 1846.

Approved, January 13th, 1846.