

tion, and to remove them when such trustees think proper, and also confer such degrees as are usually conferred by universities established for the education of youth. It shall be lawful for the said trustees to elect a president of the university at any time and without waiting until the state of the funds will allow the establishment of a college, and the president shall always be ex-officio a member of the corporation.

May be repealed.

Repeal not to divert property.

First meeting.

SEC. 6. This law may be repealed or modified by the legislature of this territory or state, (as the case may be): *Provided*, That such power of repeal shall never extend to direct to any other purposes than those expressed therein, if any shall be expressed in any grant of property to such corporation, but such property, in the event of the dissolution of such corporation, or in case such grant shall be disapproved of by the legislature, shall revert to the grantor or his heirs.

SEC. 7. The first meeting of the trustees under this act, shall be held on the second Monday in May next, and they shall have power to adjourn from time to time and to regulate their own meetings, and if a quorum shall not attend at any meeting, the trustees present may adjourn from time to time until a quorum shall attend.

Approved January 16, 1840.

[Chap. 73.]

AN ACT to establish a system of common schools.

When districts formed, notice.

All voters to be notified.

Neglect to serve notice, forfeiture.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, [That] Whenever any school district shall be formed in any township by the board of school inspectors, it shall be the duty of said board to deliver a notice in writing describing the boundaries of said district, and the time and place of the first meeting, to a taxable inhabitant of such district.

SEC. 2. It shall be the duty of such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least six days before said meeting.

SEC. 3. Whenever such inhabitant shall neglect or refuse to serve notice as required, he shall forfeit to the district, for the use of its library, the sum of

ten dollars, to be recovered in an action of debt by the assessor, when said district shall be organized, before any court of competent jurisdiction.

SEC. 4. The qualified voters, when assembled, pursuant to such previous notice, and also at each annual meeting, shall choose a moderator, director and assessor. District of officers.

SEC. 5. Every white male inhabitant of the age of twenty-one years, residing in such district, liable to pay a school district tax, shall be entitled to vote at any district meeting. Voters.

SEC. 6. In case the inhabitants of a district fail to organize the same, or if any district, after formation, shall be dissolved, such notice shall be renewed in the manner prescribed in the first two sections of this act. Failure to organize.

SEC. 7. Whenever from whatever cause any district shall become destitute of the three officers provided for in this act for the period of six months, or whenever any district shall neglect or refuse to hold two successive annual meetings, it shall be taken and held to be dissolved. Districts, when dissolved.

SEC. 8. Special meetings may be called by the district board, or by any one of them, on the written request of three legal voters of the district, by giving the required previous notice; but in all such cases the object of meeting shall be clearly stated in said notice. Special meetings.

SEC. 9. All notices for district meetings, except such as are provided for in the first two sections of this act, whether annual or special, shall set forth the day and hour and place of meeting, and be given at least six days previous to such meeting, by being posted up in the most public place in the district. Meetings, how notified.

SEC. 10. The annual meeting of each school district shall be on the first Monday of October. Annual meeting.

SEC. 11. Each school district organized under this act, shall be a body corporate by the name and style of "school district number \_\_\_\_\_, of the township of \_\_\_\_\_, in the county of \_\_\_\_\_, and territory of Iowa," and in that name of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this act, and of selling the same. Each district a body corporate.

SEC. 12. Whenever any suit shall be brought against any school district, the process shall be by summons, a copy of which shall be left with the Summons and service.

District voters, power.

assessor of said district at least ten days previous to the return day thereof.

**SEC. 13.** Whenever lawfully assembled, the qualified voters in each district shall have power,

*First.* To adjourn from time to time as may be necessary.

*Second.* To designate a site for a school-house, and to change the same by a vote of two-thirds, at any regular meeting. *Provided,* That when no site can be established by said inhabitants, the inspectors of the township or townships shall determine where the site shall be, and said determination shall be final.

*Third.* To purchase or lease an appropriate site, and to build, hire or purchase a school-house, and to impose such tax as shall be sufficient for the payment thereof. *Provided,* That the amount of such tax shall not exceed in any one year the sum of five hundred dollars.

*Fourth.* To impose from time to time such tax as may be required to keep the school-house in repair, and provide for the necessary appendages: *Provided,* That all expenses for fuel shall be a tax upon the inhabitants sending pupils to school in proportion to the number of pupils, and the time they shall attend school: *And provided also,* That when any district in which a school-house shall have been built, shall, within two years thereafter, be divided, and there shall be a tax for a school-house raised in the districts to which any portion of such aforesaid district shall have been attached, the remaining portion of such district in which the school-house shall have been built, shall refund to the newly formed district that portion of the tax contributed by such portion of the district so set off.

*Fifth.* To impose a tax sufficient for the purchase of a suitable library case, also a sum not exceeding ten dollars annually, for the purchase of books to be selected by a vote of the district by the district board, when so directed.

*Sixth.* To designate the place where the library shall be kept, and the person by whom it shall be kept; and the superintendent of public instruction shall establish the necessary rules for the regulation of the library.

*Seventh.* To determine at each annual meeting, the length of time, which shall not be less than three months, the school shall be kept, and to fix the

amount of money, in addition to its apportionment, which may be raised for the support of its school teachers the ensuing year, the sum so voted not to exceed in any one year ninety dollars: *Provided*, That in case no sum for the support of schools shall be voted at the annual meeting of any district, the director may call a special meeting for the purpose of voting such tax; at which meeting the district may, by a vote of two-thirds, vote any sum not exceeding that authorized to be raised at the annual meeting.

*Eighth.* To order and direct the sale of any site that may belong to the district, whenever the school-house shall have been removed or the sale of such other property and buildings as may belong to the district.

SEC. 14. The moderator, director and assessor shall hold their respective offices until the annual meeting next following their appointment and until others are chosen: *Provided* They shall not hold their offices beyond the time of a second annual meeting without re-election. Duration of offices.

SEC. 15. Every person elected to any one of the above offices who, without sufficient cause, shall neglect or refuse to serve shall forfeit to the district for the use of the library the sum of ten dollars, to be recovered in an action of debt by the assessor before any court of competent jurisdiction. Officer refusing to serve, penalty.

SEC. 16. The moderator shall have power and it shall be his duty to preside at all meetings of the district, to sign all warrants for the collection of taxes and all orders for payment of moneys to be disbursed by the district, and countersign all warrants of the director upon the township board of inspectors for the moneys apportioned to the district by said board of school inspectors. Duties of moderator.

SEC. 17. The assessor shall have power and it shall be his duty, Duties of assessor.

*First.* To obtain within thirty days of his election, a transcript of so much of the last assessment roll of the township or townships as relates to his district, and shall add to such transcript all the property of persons who may have become residents since the last assessment roll was made, and all the property purchased by non-residents since the making of said roll; said property to be rated according to the rule of valuation adopted in making out the township assessment roll: *Provided*, That no property shall be twice assessed, and the said transcript, together

with such additions as shall be made as aforesaid, shall be the assessment roll of said district; and all taxes to be raised in such district shall be levied upon the taxable property thereof in proportion to such valuation.

*Second.* To post up whenever any tax shall have been assessed upon the property of his district, in the most frequented and central place, a list of persons taxed, with the amount set opposite their respective names, so far as their names shall be known, and also a description of the property of persons whose names shall be known, and also a description of property of persons whose names are not known at least thirty days previous to the same being offered for collection.

*Third.* To call a meeting of the district board in case any person shall complain to him, during the above named period, of being taxed beyond his due proportion, who shall examine into the ground of said complaint, and reverse, alter or confirm said assessment as, in their judgment, justice shall require, and at the end of the time specified, he shall certify the same upon the tax list, and present it to the moderator for his warrant.

Taxes to be collected.

Not paid, property sold.

*Fourth.* It shall be the duty of the assessor to collect all taxes assessed upon the taxable property of his district, and pay them over on the warrant of the moderator, and in case any person shall neglect or refuse to pay such tax when called upon, it shall be the duty of the assessor to collect the same by distress and sale of the goods and chattels of such person whenever found in said district, having first published such sale for at least ten days by posting up notice thereof in the most public place in the district; and in the collection of taxes upon lands and tenements said assessor shall make returns to the county collector; and it shall be the duty of the county collector to sell the lands and tenements for the collection of said school tax, in the same manner as is required for the collection of township and county taxes.

*Fifth.* It shall also be the duty of the assessor to appear for and in behalf of his district in all suits brought by or against said district, except the case provided for in the nineteenth section of this act.

Duties of director.

SEC. 18. The director shall have power and it shall be his duty,

*First.* To record all the proceedings of the district in a book to be kept for that purpose, and preserve copies of all reports made to the board of school inspectors.

*Second.* To employ by and with the advice and consent of the moderator and assessor, or either of them, qualified teachers, and pay them by a draft upon the township board of inspectors, said draft not to exceed the amount due said district on account of the apportionment of the board of school inspectors. <sup>To employ teachers.</sup>

*Third.* Whenever the apportionment shall not be sufficient to pay for the services of any such teachers, it shall be the duty of the director to call a meeting of the district board for the purpose of levying the balance upon the taxable property of the district, the amount so levied not to exceed the sum voted by the district at its annual meeting; and in case said sum so voted, together with the apportionment, shall be found insufficient 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 or terms when such deficiency shall have arisen. <sup>When apportionment insufficient.</sup>

*Fourth.* Within ten days of the time of the annual meeting, the director shall take the census of his district by registering the names of all belonging to it between the ages of five and twenty-one years inclusive.

*Fifth.* A copy of this list he shall give to each and every teacher employed within the district, and require every such teacher carefully to note the time of attendance of each and every scholar, and to make a return of the same to the director.

*Sixth.* It shall be the duty of the director to provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time of school, and an accurate account of all expenses incurred.

*Seventh.* He shall present said account to the district board to be assessed and collected in the manner hereinbefore prescribed.

*Eighth.* It shall be his duty to give the prescribed notice of the annual district meeting, and all such special meetings as shall be called for in accordance with the provisions of this act.

*Ninth.* At the end of the year the school director shall report to the township board of inspectors at the office of the township clerk.

*First.* The whole number of persons between the ages of five and twenty-one.

*Second.* The number attending school under five and over twenty-one.

*Third.* Whole number that have attended school during the year.

*Fourth.* Length of time a school has been kept by a qualified teacher.

*Fifth.* Amount of money received from the board of school inspectors.

*Sixth.* Amount received for library.

*Seventh.* Amount of money raised in the district.

*Eighth.* Purposes for which it was raised, and,

*Ninth.* Books used in said school.

District board  
—duties.

SEC. 19. The moderator, director, and assessor shall constitute the district board, and they shall have power and it shall be their duty,

*First.* To levy and assess upon the taxable property all moneys voted by the district, and the deficit, if any, agreeably to the third provision of the eighteenth section of this act, and the sums requisite for the necessary appendages and fuel for the school house during the continuance of any school.

*Second.* To equalize the assessment roll of fractional school districts formed from different counties, whenever, in their judgment, the assessment rolls of the townships out of which said district was formed shall be unequal.

*Third.* To purchase or lease a site as designated by the district for the school-house in the corporate name thereof, to build, hire or purchase such school-house out of the funds collected for that purpose, and to make sale of any site or property of the district as directed by the inhabitants thereof, at an annual or special meeting.

*Fourth.* To divide the public moneys received by the district for the year in not more than two parts, and to assign and apply one of such portions to each term a school may be kept, in payment of the teachers for services for the same: *Provided,* That no money shall be paid to any teacher who has not received a certificate as provided in the twenty-ninth section of this act.

*Fifth.* To require of the assessor a bond to be

given to the district in double the amount of taxes to be collected in the district, with two sufficient sureties to be approved by the moderator and director, conditioned for the faithful appropriation of all moneys that come into his hands by virtue of his office: said bond to be lodged in the hands of the moderator; and in case of a non-fulfilment of the condition thereof, the moderator and director, or either of them, may cause a suit for the penalty of said bond to be commenced in the name of the district, before any court of competent jurisdiction.

*Sixth.* To present at each annual meeting of the district, a report setting forth an accurate account of all moneys received by them or any of them during the preceding year and of the disbursement of the same, which report shall contain the items of such receipts and disbursements, and such report shall be recorded by the director in a distinct book to be provided and kept for that purpose.

SEC. 20. The district board shall have power to fill by appointment any vacancy that shall occur from whatever cause, and it shall be the duty of the board to supply such vacancy within ten days after the time of its occurrence. Vacancies.

SEC. 21. Each and every district that shall comply with the fifth provision of the thirteenth section of this act, shall be entitled to its proportion of the clear proceeds of all fines collected within the several counties for any breach of the penal laws, and also its proportion of the equivalent for exemption from military duty, which fines and equivalent shall be paid over by the several officers collecting the same to the treasurers of their respective counties, to be by them apportioned amongst the several townships in the county according to the number of persons between the ages of five and twenty-one years inclusive. District entitled to proceeds of fines.

SEC. 22. Each member of the district board shall receive such compensation for his services as shall be voted in district meetings. Compensation.

SEC. 23. There shall be chosen at each annual township meeting, three school inspectors in the same manner as other township officers are chosen, who shall hold their office until others are chosen. Inspectors.

SEC. 24. Said inspectors shall have power and it shall be their duty, Their duty.

*First.* To meet within ten days of their election at the office of the township clerk, who shall be ex-



officio clerk of the board, and organize by choosing one of their number chairman, who shall preside at their meetings.

*Second.* To divide the township into such a number of districts, and to regulate and alter the boundaries of said school districts, as from time to time be necessary.

*Third.* To apply for and receive from the county treasurer all moneys appropriated for the primary schools and district libraries in their townships, and from the collector of the township all moneys raised therein for the same purpose, as soon as the same may be due.

*Fourth.* To describe and number the school districts of their township.

*Fifth.* To apportion the school and library money received by them, on or before the first day of March in each year, among the several school districts in their township, in proportion to the number of persons in each between the ages of five and twenty-one years, as the same shall be shown by the last annual report of the director of each district: *Provided* no school money shall be apportioned to any district from which a report shall not have been received, nor to any district in which a school shall not have been kept at least three months during the year immediately preceding by a qualified teacher, except the first distribution: *And provided*, That no library moneys shall be apportioned to any district that shall not have complied with the fifth provision of the thirteenth section of this act.

Chairman to  
give bond.

SEC. 25. The chairman of the board of inspectors shall be the treasurer of said board, and it shall be the duty of the inspectors to require of said chairman a bond to be given to the township in double the amount to be received by him, in two sufficient sureties to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office, said bond to be lodged with the township clerk, who is hereby authorized, in case of the non-fulfilment of the condition of said bond, to sue for the penalty thereof before any court of competent jurisdiction.

Report.

SEC. 26. On or before the twentieth day of October of each year, they shall make out and transmit to the clerk of the district court a report setting forth the whole number of districts in their town-

ship, together with the several particulars set forth in the reports of the school directors.

SEC. 27. If any board of school inspectors shall neglect or refuse to make such report by the time set forth in the preceding section, they shall forfeit to the use of the schools of their township the sum of fifty dollars, and the full amount of the money lost by their failure, with interest on the same, to be recovered in an action of debt by the township collector before any court having competent jurisdiction of the same Penalty.

SEC. 28. Whenever it may be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them from each of such adjoining townships, may form a district, regulate and alter the same; and the director of such district so formed shall make returns to each township from which said district is formed, specifying in said returns that only which belongs to said township. District in two townships.

SEC. 29. It shall be the duty of the inspectors to examine annually all persons offering themselves as candidates for teaching primary schools in their township, in regard to moral character, learning and ability to teach school, and if satisfied that such candidates possess the requisite qualifications, they shall deliver to the person so examined a certificate signed by them, in such form as shall be prescribed by the superintendent of public instruction, which certificate shall be in force one year from the date thereof. To examine teachers.

SEC. 30. Whenever the inspectors shall deem it necessary, they may re-examine any teacher of any primary school in their township, and if found wanting in the requisite qualifications, they may annul any certificate given to such teacher by giving to such person ten days' written notice to that effect, and filing the same in the office of the clerk of their township. May annul certificates.

SEC. 31. It shall be the duty of the inspectors to visit all such schools in their township, at least twice in each year, as shall be organized according to law, to inquire into the condition, examine the scholars, and give such advice to both teachers and scholars as they shall deem proper. To visit schools.

SEC. 32. In case of the death, or removal, or disability to act of any one of the inspectors, the board shall fill such vacancy by appointment. Fill vacancies.

**SEC. 33.** Whenever any district board shall fail to supply any vacancy within the time limited in section twenty, the board of inspectors shall fill the same by appointment.

**SEC. 34.** The inspectors shall be entitled to receive for their services the sum of one dollar per day, to be audited and paid as the accounts of other township officers are audited and paid.

**SEC. 35.** Any person elected or appointed school inspector who shall neglect or refuse, without sufficient cause, to serve as such, shall forfeit to the use of the school fund of his township the sum of twenty-five dollars, to be recovered as prescribed in the twenty-fifth section of this act.

**SEC. 36.** The township clerk shall be ex-officio clerk of the board of inspectors, and shall have power and it shall be his duty,

*First.* To attend all meetings of the inspectors and to prepare, under their directions, all their reports, estimates and apportionments of school moneys, and record the same and all their proceedings in a book to be kept for that purpose.

*Second.* To receive and keep all reports made to the inspectors from the directors of the several school districts, and all the books and papers belonging to the inspectors, and file the same in his office.

*Third.* To receive all such communications as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner directed therein.

*Fourth.* To transmit to the clerk of the district court all such reports as may be made for such clerk by the inspectors, within the time limited in this act, and generally to do and execute all such things as belong to his office, and may be required of him by the inspectors.

**SEC. 37.** It shall be the duty of each and every clerk of the district court, to receive all such communications as may be directed to him by the superintendent of public instruction, and dispose of the same in the manner therein directed.

**SEC. 38.** It shall be the duty of each clerk of the district court, on or before the twentieth of November of every year, to make and transmit to the superintendent of public instruction, a report in writing, containing the whole number of townships in his county, distinguishing townships from which the

required reports have been made to him by the inspectors of schools, and containing a certified copy of all their reports; and the board of supervisors or commissioners of each county are hereby authorized to allow to the clerk of the district courts such compensation as they may deem proper for the services he may perform under and by virtue of the provisions of this act. <sup>Compensation.</sup>

SEC. 39. Any clerk who shall neglect or refuse to make such report by the time so limited, shall, for each offence, forfeit the sum of one hundred dollars, to the use of the schools of said county, to be recovered in an action of debt to be commenced forthwith by and in the name of the superintendent of public instruction. And the money so recovered shall, when received by the superintendent, be paid into the treasury of the county, to the credit and for the use of the district or districts, which may suffer from such neglect of the clerk; and the sum may be drawn out by the proper authority of said district or districts. <sup>Penalty.</sup>

SEC. 40. The moneys to be hereafter distributed annually for the support of primary schools, shall be payable on the first Monday of January in each year, on the warrant of the auditor of public accounts to the treasurers of the several counties. <sup>Moneys when paid.</sup>

SEC. 41. The treasurers of the counties shall apply for and receive such moneys as are apportioned to their respective counties when the same shall become due.

SEC. 42. The treasurer of each county, when he shall receive such moneys, shall give notice in writing to the chairman or clerk of the board of school inspectors of each township in his county, of the amount of school and library moneys apportioned to such township, and shall hold the same subject to the order of the inspectors.

SEC. 43. In case any moneys apportioned to any township shall not be applied for by such inspectors, the moneys so remaining shall be added to the moneys next received by the treasurer for distribution from the superintendent of public instruction, and in the same proportion distributed.

SEC. 44. Whenever the clerk of any county shall receive from the superintendent notice of the amount of money to be disbursed in the several townships in his county, he shall file the same in his office, and

within one week transmit a certified copy thereof to the clerk of the board of commissioners, which copy said clerk shall lay before the commissioners at their next regular meeting.

Money to be raised in townships.

SEC. 45. It shall be the duty of the commissioners, at such meeting, to add to the sums of money to be raised in each of the townships of the county, a sum equal to that which shall have been apportioned to such township from the school fund, to be levied and collected in the same manner as other moneys are directed to be raised in the townships.

To be paid to chairman.

SEC. 46. The commissioners shall cause and require the collector of each township by their warrant to pay such moneys, when collected, to the chairman of the board of school inspectors in such township for the use of schools therein.

SEC. 47. Should any township neglect or refuse to elect a board of school inspectors, the collector shall pay the moneys so collected to the county treasurer to be apportioned among the several townships as provided in the fortieth section of this act.

Penalty.

SEC. 48. Each and every officer created by the provisions of this act, who shall receive, by virtue of his office, any books, papers, or moneys, and shall refuse to deliver the same to his successor in office, or shall wilfully mutilate or destroy the same, or any part thereof, shall be deemed guilty of a misdemeanor and liable to a fine of not less than fifty dollars nor more than five hundred, at the discretion of the court.

Repeal.

SEC. 49. All acts and parts of acts coming within the purview of this act, are hereby repealed.

Approved January 16, 1840.

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[Chap. 74.]

AN ACT to authorize William Ingersoll to build a dam across Skunk river in the northern part of Jefferson county.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That William Ingersoll, his heirs or assigns, are hereby authorized to build a dam across Skunk river in the northern part of Jefferson county, in town seventy-two north, in range eight west, in accordance with the provisions and restrictions of an act approved January nineteenth, eighteen hundred and thirty-nine, of Iowa laws, except that said Ingersoll, his