

CHAPTER 48.

SUPERVISORS.

AN ACT providing for the election of supervisors and defining their duties.

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

SECTION 1. Trustees to district townships. That the township trustees in all the counties of the state shall meet on the first Monday in March, A. D. 1853, and every subsequent year thereafter, and divide their respective townships into such number of road districts, as they in their judgment may deem necessary for the public good.

SEC. 2. Election of supervisors—vote for one supervisor only. There shall be elected at the April election, A. D. 1853, and every subsequent year thereafter, one supervisor for each road district within each township of the counties of this state; said supervisor must reside in the district for which he was elected; and in the election of said supervisor, no elector shall vote for more than one supervisor, and none [80] other than the one residing in the district in which said elector resides.

SEC. 3. Notice—bond and oath—township clerk. Said election shall be held in conformity with the present election law; it shall be the duty of the township clerk to notify said supervisor elect, within five days after said election, which notice shall be in the following form, to wit:

Mr. (here insert the name.)—You are hereby notified that you were elected supervisor of road district No. —, in — township, — county, Iowa, for the year ending April 1st, A. D. (here insert the time when the supervisor's time of office expires,) and you are hereby required to appear before me, on or before the 20th inst., and give bond, and be sworn into office. Said clerk shall furnish each supervisor of his township with the boundaries of his district.

SEC. 4. Penalty for neglect to qualify. Any supervisor, after having been elected and notified as before directed, who shall fail to appear before said clerk (unless prevented by sickness) within the time specified, and give bond, and take an oath to faithfully, honestly, and impartially discharge the duties devolving upon him, as supervisor, according to the law, shall forfeit and pay the sum of five dollars, and in case of his failing or refusing to pay the same, it shall be the duty of his successor to collect the said sum by suit or otherwise, and apply it to the repairing of roads within his district.

SEC. 5. Bond and condition—vacancy. Each supervisor so elected, shall be required to give bond in such sum, and with such security as the township trustees may deem requisite, conditioned that he will faithfully, honestly, and impartially perform all the duties devolving upon him, and appropriate all moneys that may come into his hands by virtue of his office according to law, which bond shall be kept and filed by the township clerk among the papers of his office; and in the event of vacancy occurring in any road district within this state, it shall be the duty of the township trustees to fill the same by appointment.

SEC. 6. Notice to work—time—tools—certificate—non-residents. The supervisor shall be required to give at least three days' notice, previous to the day designated to work the roads, to all residents of his district, subject to pay road tax, between the first day of May and the first day of October, what day or days he will superintend the work on the [81] roads within

his district, and all persons desiring to work out their road tax in labor, must meet said supervisor at such time and place, and with such tools and implements as said supervisor may designate, and for such labor performed the supervisor shall give to the person so performing said labor a certificate of the number of days' work performed, which certificate shall be good in payment of road tax at the rate of one dollar for each day's labor: provided, no person shall be allowed to work out any portion of his road tax in any district other than the one in which the land lies; and the owner of land in any road district, being a non-resident thereof, shall have the privilege of working his road tax in said district, upon notifying the supervisor of his wish so to do.

SEC. 7. Age. No person over the age of fifty years, shall be liable to pay a road poll tax.

SEC. 8. To labor — pay — exempt. The supervisor shall perform the same amount of labor as is required by an able bodied man, for which he shall be allowed the sum of one dollar, out of the road fund, for every day he is actually employed, deducting therefrom the amount of his road tax. No person shall be required to serve two years in succession as supervisor; provided, that where there is no money in the hands of the clerk with which to pay the said supervisor, he shall be entitled to receive a certificate for the amount of labor performed by said supervisor, over and above his own road tax, which certificate shall be received in payment of his own road tax for any succeeding year.

SEC. 9. Clerk to give bond—to receive road fund from county treasurer. The township clerk of each township shall be required by the county judge of his county, to give bond to be approved by the judge, in the sum of twice the amount of the road tax in his township, therefore the county judge shall give an order to said clerk on the county treasurer for all moneys collected by him as road tax upon all property and polls within and for his township, upon the payment of which, by the treasurer, he shall take from said township clerk duplicate receipts for the sum thus paid him, one of which receipts said treasurer shall deliver over to the county judge, to be filed by him among the papers of his office, and said [82] judge shall charge the same to the account of the clerk upon the "road book."

SEC. 10. Distribution of road fund. The township trustees, after the payment of the supervisors, shall order the distribution of the "road fund" in the hands of the township clerk as they may deem expedient for the public interest, and the township clerk shall pay the same out as ordered by the trustees; the township clerk shall be entitled to five per cent. for all money coming into his hands by virtue of this act; and he shall be required, at least once in each year, to make a settlement with the county judge producing vouchers for all moneys paid out by him, specifying for what and to whom paid.

SEC. 11. Report of supervisors. The supervisor shall be required to report to the township trustees between the first and fifteenth day of October, which report shall embrace the amount of labor performed, the amount of money expended, and in what way expended, and the number of days he was employed in the faithful discharge of his duties, as well as the condition of the roads in his district, which report shall be signed and sworn to by said supervisor.

SEC. 12. County supervisor to settle. Each county supervisor in this state, shall make a settlement with the county judge of his county, before the first day of April next, and deliver to him all books, papers and implements in his hands or under his control; and the county judge shall apportion the same between the several townships, as equally as practicable.

SEC. 13. Hedge. That when any owner or occupant of land, adjoining and abutting upon any road or highway, may desire to plant a hedge upon the line of the road, he shall be allowed to build or remove his fence upon said road or highway: provided, he shall not build or remove his fence more than ten feet within the outer line of said road; and that unless the said road be sixty feet wide, the fence shall not be built or removed upon both sides at the same time, or until the fence on the first side has been taken away.

SEC. 14. Limitation. Such owner or occupant shall not be allowed to occupy such highway as aforesaid for the space of more than five years, and not more than twelve months, before such hedge shall be planted, and at the expiration of such time, he shall re- [83] move such fence upon the order of the supervisor of the district where such road is situated.

SEC. 15. County treasurer's duty. The county treasurer shall make out a list of the names of all persons who are liable to pay road tax, from the tax lists of the county, for each township respectively, together with the amount of personal, real, and poll road tax assessed against each person, in separate columns, which he shall, as soon as practicable, deliver to the respective clerks of each township.

SEC. 16. Supervisor's duty—boards. It shall be the duty of the supervisor to keep the roads in as good a condition as the funds at his disposal will permit, and to place guide boards at the forks of every road in his district: the trustees shall make a reasonable compensation to each supervisor, for providing and putting up guide boards in his district.

SEC. 17. District liable for damages. Every road district shall be responsible for all damages sustained by any person in consequence of defects in the roads and bridges in said district.

SEC. 18. Travellers' duty—damages—fine. Persons meeting each other on any of the public highways of this state, shall give one half of the same by turning to the right. All persons failing to observe the provisions of this section, shall be liable to pay all damages resulting therefrom, together with a fine not exceeding five dollars, to be appropriated to the repairing of roads in the district where the violation occurred.

SEC. 19. Repeal. Sections 573 to 581 inclusive, and sections 588 to 593 inclusive, and sections 595 to 612 inclusive, and all sections and parts of sections of the code, coming in conflict with this act, are hereby repealed—the word township or townships where it occurs in sections 583 and 584 is repealed, and the word "district" is substituted therefor.

SEC. 20. Take effect. This act to be in force from and after its publication in the Iowa City newspapers.

Approved, January 22, 1853.

I certify that the foregoing act was published in the Iowa City newspapers, February 2, 1853.

GEO. W. McCLEARY,
Secretary of State.