

every respect as if the said Burkholder had been legally elected to fill a vacancy of J. H. Holloway, late District Clerk of said County.

Approved April 8, 1862.

CHAPTER 172.

SCHOOLS.

AN ACT to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled "An Act to amend an Act entitled an Act to provide a System of Common Schools," and the amendments thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That each civil township that is now, or may be hereafter organized in the several counties of this State, is hereby declared a School District, for all the purposes of this Act, and each sub-district, as now organized, shall continue such, subject to the provisions hereinafter made.

Each civil township a School district.

In new township Trustees to give notice of election.

SEC. 2. When a new civil township has been formed, the township trustees shall divide the same into sub-districts, if deemed necessary; and shall post written notices, specifying the time and place of the first election for sub-directors, in the manner provided for the election of sub-directors in organized district townships.

Organized district without officers, how supplied

SEC. 3. When an organized district township has been left without officers, the township trustees shall give such notice for a special election of sub-directors, as is required of the sub-director in case of regular sub-district elections; and the persons elected shall continue in office until the next regular sub-district election thereafter.

When a district is divided, assets and liabilities to be divided.

SEC. 4. When any district township shall be divided into two or more entire townships for civil purposes, the existing Board of Directors shall continue to act for both or all of the new districts until the next regular sub-district election thereafter, at which time the new district townships shall organize by the election of sub-directors. The respective Boards of Directors shall, immediately after such organization, make an equitable division of the then existing assets and liabilities, between the old and new districts; and in case of a failure to agree, the matter may be decided by arbitrators chosen

by the parties in interest. A similar division shall be made in case of the formation of an independent district under special laws, or the consolidation of civil townships.

SEC. 5. Every school district which is now, or may hereafter be organized in this State, is hereby made a body corporate, by the name of the "District Township of, in the county of, and State of Iowa, and in that name may hold property, become a party to suits and contracts, and do other corporate acts.

DISTRICT TOWNSHIP MEETING.

SEC. 6. Each district township shall hold an annual meeting on the second Monday in March.

SEC. 7. The electors of the district, when legally assembled at such meeting, shall have the following powers, viz:

FIRST—To appoint a Chairman and Secretary, in the absence of the regular officers.

SECOND—To direct the sale or other disposition to be made of any school-house, or the site thereof, and of such other property, personal and real, as may belong to the district; and to direct the manner in which the proceeds arising therefrom shall be applied: *Provided*, That the money so obtained, shall be used for the benefit of the sub district in which such school-house site or other property is situated.

THIRD—To determine what additional branches shall be taught in the schools of the district.

FOURTH—To delegate any or all of the powers, contained in the foregoing specifications, to the Board of Directors.

FIFTH—To vote such tax, not exceeding five mills on the dollar in any one year, on the taxable property of the District Township, as the meeting shall deem sufficient for the purchase of grounds and the construction of the necessary school-houses for the use of the respective sub-districts, and for the payment of any debts contracted for the erection of school houses, and for procuring district libraries and apparatus for the schools.

SUB-DISTRICT MEETING.

SEC. 8. The several sub-districts shall annually, on the first Monday in March, hold a meeting for the election of a sub-director, five days notice of which meeting shall be given by the then resident sub-director; or if

there is none, by the District Secretary, posting a written notice in three public places therein, and such notice shall state the hour of meeting.

Chairman
and Secretary
appointed.

SEC. 9. At the meeting of the sub-district, a Chairman and Secretary shall be appointed, who shall act as judges of the election, and give a certificate of election to the sub-director elect.

Board of Di-
rectors to
consist of 3
sub-directors.

SEC. 10. In all district townships comprising but one sub-district, the Board of Directors shall consist of three sub-directors; and in all district townships comprising but two sub-districts, it shall consist of one sub-director chosen from each sub-district, and one from the district township at large, who shall in both cases be elected in the manner provided by law for the election of one sub-director from each sub-district. The judges of the respective sub-district elections, shall canvass the votes for the sub-director chosen from the district township at large, and shall issue a certificate of election to the person elected.

Official oath
of sub-direc-
tors.

SEC. 11. Each sub-director shall within ten days after his election, appear before some officer qualified to administer oaths, and take an oath to support the Constitution of the United States and that of the State of Iowa, and that he will faithfully discharge the duties of his office, and in case of failure to qualify, his office shall be deemed vacant.

School to be
taught 24
weeks.

SEC. 12. In each sub-district there shall be taught one or more schools for the instruction of youth, between the ages of five and twenty-one years, for at least twenty-four weeks, of five school days each, in each year, unless the County Superintendent shall be satisfied that there is good and sufficient cause for failure so to do.

Children resi-
ding in one
district town-
ship may at-
tend school
in another.

SEC. 13. Children residing in one district township may attend school in another in the same or adjoining county, on such terms as may be agreed upon by the respective Boards of Directors of the district townships interested; but, in case no such agreement is made, they may attend school in such adjoining district township, with the consent of the Board of Directors thereof, when they reside nearer to the school in said district township than to any school in their own district township, and the district township in which they reside, shall pay to the district township in which they attend school, the average tuition of said children per week; and in case of refusal so to do, the Secretary shall file the account for said tuition, certified to by the President, with the Clerk of the Board of Supervisors of the county in which said children reside, who shall, at the time of

making the next semi-annual apportionment thereafter, deduct the amount from the sum apportioned to the district township in which said children reside, and pay it over to the district township in which they have attended school.

Sec. 14. Pupils who are bona fide residents of a district township, shall be permitted to attend school in the same, regardless of the time when they acquired such residence, whether before or after the enumeration, or of the residence of their parents or guardians; but pupils who are sojourning temporarily in one district township while their actual residence is in another, and to whom the last preceding section is not applicable, may attend school upon such terms as the Board of Directors may deem just and equitable.

Terms of admission to schools in district township.

Sec. 15. Pupils may attend school in any sub-district of the district township in which they reside, with the consent of the sub-director of such sub-district and of the sub-director of the sub-district in which such pupils reside.

Pupils transferred from one sub-district to another.

Sec. 16. The electors of a sub-district may, at their regular meeting in March, determine what amount is required for the erection of a school-house in said sub-district, and the payment of debts contracted for the construction of school houses, and the sub-director shall certify the same to the next regular meeting of the electors of the district township held thereafter.

Sub-district may determine amount required for school house purposes.

Sec. 17. Should the electors of the district township neglect or refuse to vote said amount at said meeting, or a sum adequate for the erection of said house, the Board of Directors shall, at their first regular meeting thereafter, ascertain the per centum of the sum applied for on the property of the district township, and shall apportion the same among the several sub-districts, as justice and equity may require, taking as the basis of said apportionment the respective amounts previously levied upon said sub-districts for school house purposes: *Provided*, That in case it has been the uniform custom for each sub-district to bear the whole expense incurred for the construction of its own school house, the Board of Directors shall dispense with the apportionment, and assess the per centum directly on the property of the sub-district making the application: *Provided further*, That in neither case shall the rate exceed ten mills on the dollar on the property of any sub-district. Within ten days thereafter the Secretary shall file a certified statement of the same with the Board of Supervisors, showing the per centum assessed on each sub-district. Said per cen-

Board of Directors levy tax for amt. required by Sub-districts, in case electors of district township neglect or refuse to do so.

tum shall be levied in accordance with said statement, and collected and expended for the erection of a school house in said sub-district in the same manner as though it had been voted by the district township meeting. Should the aggregate of sums thus applied for by the respective sub-districts, exceed five mills on the dollar in any one year, on the property of the district township, the Board of Directors shall reduce it proportionally to that rate.

BOARD OF DIRECTORS.

Sub-Districts to constitute Board of Directors, when and how the Board shall be organized. SEC. 18. The sub-directors of the several sub-districts shall constitute a Board of Directors for the District Township, and shall enter upon their duties on the day fixed for the regular meeting of the Board in April, at which time they shall organize by electing from their own number a President, who shall simply be entitled to a vote as a member of the Board; and from the district township at large, a Secretary and a Treasurer, unless there are at least five sub-directors in the district township, in which case they may be selected from the Board. If selected from the district township at large, they shall have no vote in the proceedings of the Board.

Regular and Special meetings of the Board.

SEC. 19. The Board of Directors shall hold their regular meetings on the 3d Monday in April and September of each year; and may hold such special meetings as occasion may require, at the call of the President, or by request of a majority of the Board.

The Board to make contracts, purchases and sales.

SEC. 20. They shall make all contracts, purchases, payments and sales, necessary to carry out any vote of the district, *Provided*, That before erecting any school-house, they shall consult with the County Superintendent as to the most approved plan of such building.

To fix site for School house and determine number of schools.

SEC. 21. They shall fix the site for each school house, taking into consideration the geographical position and convenience of the people of each portion of the sub-district, and shall determine what number of schools shall be taught in each sub-district, and for what additional time beyond the period required by law they shall be continued during each year.

To establish graded schools.

SEC. 22. They may establish graded or union schools wherever they may be necessary; and may select a person who shall have the general supervision of the schools in their district, subject to the rules and regulations of the Board.

To fill vacancies.

SEC. 23. They shall appoint a President and Secretary *pro tem*. in case of the absence of the regular offi-

cers, and shall fill any vacancy that may occur in the office of President, Secretary or Treasurer, or in the Board of Directors.

SEC. 24. They shall require the Secretary and Treasurer, each, to give bonds to the district, in such penalty and with such securities as they may deem necessary to secure the district against loss, conditioned for the faithful performance of their official duties. The bond shall be filed with the President, and in case of a breach of the conditions thereof, he shall bring suit thereon in the name of the district township.

SEC. 25. They shall, from time to time, examine the accounts of the Treasurer, and make settlement with him; and shall present at each regular meeting of the electors of the district township, a full statement of the receipts and expenditures of the district township, and such other information as may be deemed important.

SEC. 26. They shall audit and allow all just claims against the District, and fix the compensation of the Secretary and Treasurer; and no order shall be drawn on the district treasury, until the claim for which it is drawn has been so audited and allowed.

SEC. 27. They shall visit the schools in their district and aid the teachers in establishing and enforcing rules for the government of the schools; and see that they keep a correct list of the pupils, embracing the periods of time during which they attended school, the branches taught, and such other matters as may be required by the County Superintendent. In case a teacher employed in any of the schools of the district township is found to be incompetent, or is guilty of partiality or dereliction, in the discharge of his duties, or for any other sufficient cause shown, the Board of directors, may, after a full and fair investigation of the facts of the case, at a meeting convened for the purpose, at which the teacher shall be permitted to be present and make his defense, expel him from school, and direct the sub-director to discharge him.

SEC. 28. They shall, at their regular meeting in April of each year, require the Secretary to file with the Clerk of the Board of Supervisors, County Superintendent, and County Treasurer, each, a certificate of the election, qualification and post office address of the President, Secretary and Treasurer, of the district township, and to advise them from time to time of any changes made in said offices by appointment.

SEC. 29. They shall, at their regular meeting in September, or at any special meeting called thereafter for

To divide district township into sub-districts. that purpose, divide their township into sub-districts, such as justice, equity, and the interests of the people require; and may make such alterations of the boundaries of sub-districts, heretofore formed, as may be deemed necessary; and shall designate such sub-district, and all subsequent alterations, in a distinct and legible manner, upon a plat of the district provided for that purpose; and shall cause a written description of the same to be recorded in the District records; a copy of which shall be delivered by the Secretary to the County Treasurer, and also to the Clerk of the Board of Supervisors, who shall record the same in his office: *Provided*, That the boundaries of sub-districts shall conform to the lines of Congressional divisions of land; and that the formation and alterations of sub-districts, as contemplated in this Section, shall not take effect until the next sub-district election thereafter; at which election a sub-director shall be elected for the new sub-district formed.

To apportion school house tax. SEC. 30. They shall apportion any tax voted by the district township meeting for school-house fund, among the several sub-districts, in such manner as justice and equity may require; taking as the basis of said apportionment, the respective amounts previously levied upon said sub-districts for the use of such fund: *Provided*, That the rate shall not exceed ten mills on the dollar on the property of any sub-district.

To levy tax for support of schools. SEC. 31. They shall, at their regular meeting in April of each year, or at a special meeting convened for that purpose, between the time designated for such regular meeting and the third Monday in May, estimate the per centum on the taxable property of the district township which shall be necessary to raise the amount required for the "contingent fund," and also such sum as may be required for the "teacher's fund," in addition to the amount received from the semi-annual apportionments, as shown by the notice from the Clerk of the Board of Supervisors, to support the schools of the district for the time required by law for the current year; and shall cause the Secretary to certify the same within five days thereafter, to the Board of Supervisors, who shall, at the time of levying taxes for county purposes, levy the per centum thus certified upon the property of the district township, which shall be collected and paid over as other district taxes are.

Rules for government of sub-directors. SEC. 32. They shall make such rules and regulations as may be necessary for the direction and restriction of sub-directors in the discharge of their official duties, and not inconsistent with law.

SEC. 33. Should any person holding an order or claim against the school house fund, for liabilities contracted by any school district prior to the passage of this Act, be willing to surrender the same to the district at its market value in cash, or at any rate not exceeding sixty-seven cents on the dollar, the Board of Directors of said school district may enter into written stipulations with him for its redemption on such terms, and may vote a tax on account of school house fund, not exceeding three mills on the dollar, in any one year, on the property of the district for such purpose. Said tax shall be certified, levied, collected, and paid over as other school district taxes are.

May levy tax for liquidation of orders in certain cases.

SEC. 34. A majority of the Board of Directors shall be a quorum to transact business, but a less number may adjourn from time to time, and no tax shall be levied by the Board after the third Monday in May; nor shall the boundaries of sub-districts be changed except by a vote of the majority of the Board.

A majority of the Board to constitute a quorum.

PRESIDENT, SECRETARY, AND TREASURER.

SEC. 35. The President shall preside at all meetings of the Board of Directors, and of the district township; shall draw all drafts on the County Treasurer for money apportioned to his district; sign all orders on the District Treasury, specifying in the order the fund on which they are drawn, and the use for which the money is appropriated; and shall sign all contracts made by the Board.

President to preside and draw drafts and orders.

SEC. 36. He shall appear in behalf of his district in all suits brought by or against the same, but when he is individually a party, this duty shall be performed by the Secretary; and in all cases where suits may be instituted by or against any of the school officers, to enforce any of the provisions herein contained, counsel may be employed by the Board of Directors.

President to appear for district in suits.

SEC. 37. The Secretary shall record all the proceedings of the Board and District meetings, in separate books kept for that purpose; shall preserve copies of all reports made to the County Superintendent; shall file all papers transmitted to him, pertaining to the business of the district; shall countersign all drafts and orders drawn by the President, and shall keep a register of all orders drawn on the District Treasury, showing the number of the order, date, name of the person in whose favor drawn, the fund on which it is drawn, for what purpose, and the amount; and shall, from time to time,

Secretary to record proceedings and register orders.

furnish the District Treasurer with a transcript of the same.

Secretary to give notice of meeting. SEC. 38. He shall give ten days' previous notice of the District Township meeting, by posting a written notice in five conspicuous places therein, one of which shall be at or near the last place of meeting; and shall furnish a copy of the same to the teacher of the school, if in session, of each sub-district, to be read in the presence of the pupils thereof; and such notice shall, in all cases, state the hour of meeting.

To keep and report acc't. of expenses. SEC. 39. He shall keep an accurate account of all the expenses incurred by the District, and shall present the same to the Board of Directors to be audited and paid as herein provided.

To certify tax to Board of Supervisors. SEC. 40. Whenever a tax has been voted by any district township, for purposes in this Act specified, the Secretary shall immediately certify the per centum to the Board of Supervisors, who shall at the time of levying the tax for county purposes, levy a tax of the amount thus certified to them, upon the assessed value of all the real and personal property in the district, which shall be collected by the County Treasurer at the same time and in the same manner as State and County taxes are collected: *Provided*, it shall be receivable only in cash.

To make annual report. SEC. 41. Between the fifteenth and twentieth days of September in each year, the Secretary of each school district shall file with the County Superintendent a report of the affairs of the district, which shall contain the following items, viz:

First—The number of persons, male and female, each in his district, between the ages of five and twenty-one years.

Second—The number of schools, and the branches taught.

Third—The number of pupils, and the average attendance of the same in each school.

Fourth—The number of teachers employed, and the average compensation paid per week, distinguishing males from females.

Fifth—The length of school in days, and the average cost of tuition per week for each scholar.

Sixth—The aggregate amount paid teachers during the year, and the balance of teachers' fund in the district treasury.

Seventh—The text books used, and the number of volumes in the District Library, and the value of apparatus belonging to the district.

Eighth—The number of school-houses, and their estimated value.

Ninth—The amount raised within the year by district tax for the erection of school houses, the amount for teacher's fund, and for other purposes of this Act, stating separately the amount for each.

Tenth—The amount of public fund received from the semi-annual apportionments made by the Clerk of the Board of Supervisors, and if any, from other sources, stating what, and how much from each, and such other information as he may deem useful.

SEC. 42. Should the Secretary fail to file his report as above directed, he shall forfeit the sum of twenty-five dollars, and shall make good all losses resulting from such failure, and suit shall be brought, in both cases, by the district, on his official bond. Forfeiture for failure to report.

SEC. 43. The Treasurer shall hold all moneys belonging to the District, and pay out the same on the order of the President, countersigned by the Secretary, and shall keep a correct account of all expenses and receipts in a book provided for the purpose. Treasurer to hold and pay out moneys.

SEC. 44. The money collected by district tax, for the erection of school houses, and for the payment of debts contracted for the same, shall be called the "school house fund;" that designed for rent, fuel, repairs, and all other contingent expenses necessary for keeping the schools in operation, the "contingent fund;" and that received for the payment of teachers, the "teachers' fund;" and the District Treasurer shall keep with each fund a separate account; and shall pay no order which does not specify the fund on which it is drawn, and the specific use to which it is applied. If he have not sufficient funds in his hands to pay in full the warrant drawn on the fund specified, he shall make a partial payment thereon, paying as near as may be, an equal proportion of each warrant. Different funds, partial payments on orders.

SEC. 45. He shall receive all moneys apportioned to the district township by the Clerk of the Board of Supervisors, and also all money collected by the County Treasurer on the district school tax, levied for his district. To receive money apportioned to district.

SEC. 46. He shall register all orders on the district treasury reported to him by the Secretary, showing the number of the order, date, name of the person in whose favor drawn, the fund on which it is drawn, for what purpose, and the amount. To register orders.

SEC. 47. He shall render a statement of the finances of the district from time to time, as may be required by To render statement.

the Board of Directors, and his books shall always be open for inspection.

SUB-DIRECTOR.

SEC. 48. It shall be the duty of the sub-director, under such rules and restrictions as the Board of Directors may prescribe, to negotiate and make in his sub-district all necessary contracts for providing fuel for schools, employing teachers, repairing and furnishing school houses, and for making all other provisions necessary for the convenience and prosperity of the schools within his sub-district, and he shall have the control and management of the school house, unless otherwise ordered by a vote of the district township meeting. All contracts made in conformity with the provisions of this section, shall be approved by the President, and reported to the Board of Directors, and said Board, in their corporate capacity, shall be responsible for the performance of the part of the district township.

Sub-director to employ teachers and make repairs.

Contracts to be approved.

To register names of the heads of families.

SEC. 49. He shall, between the first and tenth days of September of each year, prepare a list of the names of the heads of families in his sub-district, together with the number of children in each family between the ages of five and twenty-one years, distinguishing males from females, and shall record the same in a book kept for that purpose.

To make annual report.

SEC. 50. He shall, between the tenth and fifteenth days of September of each year, report to the Secretary of the District Township the number of persons in his sub-district between the ages of five and twenty-one years, distinguishing males from females; the number of schools; the number of pupils in each school; the average attendance of pupils; the number of teachers male and female; the compensation of teachers per week, male and female; the length of each school in days, in Summer and Winter separate; average cost of tuition per week for each pupil in Summer and Winter separate; the aggregate amount paid teachers during the year; the number and value of school houses and of what material constructed; the value of apparatus; and the branches taught.

May dismiss pupils.

SEC. 51. He shall have power, with the concurrence of the President of the Board of Directors, to dismiss any pupil from the schools in his sub-district, for gross immorality, or for persistent violation of the regulations of the school; and to re-admit them, if he deems proper

so to do; and shall visit the schools in his sub-district at least twice during each term of said school.

SEC. 52. All contracts with teachers shall be in writing, specifying the length of time the school is to be taught, in weeks; the compensation per week, or per month of four weeks; and such other matters as may be agreed upon; and shall be signed by the sub-director and teacher, and be approved by and filed with the President before the teacher enters upon the discharge of his duties.

Contracts with teachers to be in writing.

BOARD OF SUPERVISORS.

SEC. 53. The Board of Supervisors of each County shall, at the time of levying the tax for county purposes, levy a tax for the support of schools within the County, of not less than one mill, nor more than two and one-half mills on the dollar, on the assessed value of all the real and personal property within the County, which shall be collected by the County Treasurer, at the time, and in the same manner as State and County taxes are collected, except that it shall be receivable only in cash.

County School tax to be levied.

SEC. 54. They shall also levy at the same time, the district school tax certified to them, from time to time, by the respective District Secretaries.

District School tax.

CLERK OF THE BOARD OF SUPERVISORS.

SEC. 55. The Clerk of the Board of Supervisors shall, on the first Monday in April, and fourth Monday in September of each year, apportion the County School Tax, together with the interest on the Permanent School Fund to which his County is entitled, and all other money in the hands of the County Treasurer belonging in common to the schools of his County, and not included in any previous apportionment, among the several School Districts therein, in proportion to the number of persons between five and twenty-one years of age, as shown by the report of the County Superintendent filed with him for the year immediately preceding, which report, showing the number of persons between the ages of five and twenty-one years, in each school district in the County, shall be so filed on the fifth day of October annually.

School money appropriated among districts.

SEC. 56. He shall immediately notify the President of each School District of the sum to which his District is entitled by said apportionment, and shall issue his warrant for the same to accompany said notice, which

Shall notify President of his amount.

Secretary to debit and credit Treasurer. warrant shall be also signed by the President and countersigned by the Secretary of the District in whose favor the same is drawn; and shall authorize the District Treasurer to draw the amount due said District, from the County Treasurer; and the Secretary shall charge the Treasurer of the District with all warrants drawn in his favor, and credit him with all warrants drawn on the funds in his hands, keeping separate accounts with each fund.

Shall forward certificate of election of County Superintendent and report interest to Auditor. SEC. 57. He shall forward to the Secretary of the Board of Education, a certificate of the election or appointment and qualification of the County Superintendent; and shall also, on the second Monday in February and August of each year, make out and transmit to the Auditor of State, in accordance with such form as the said Auditor may prescribe, a report of the interest of the School Fund then in the hands of the County Treasurer, and not included in any previous apportionment; and also the amount of said interest remaining unpaid.

COUNTY TREASURER.

Co. Treasurer to pay over tax, and render statement SEC. 58. The County Treasurer shall, on the first Monday in April of each year, pay over to the Treasurer of the District the amount of all school district tax which shall have been collected, and shall render him a statement of the amount uncollected; and shall pay over the amount in his hands quarterly thereafter.

QUALIFICATIONS AND DUTIES OF TEACHERS.

No teacher to be employed without certificate. SEC. 59. No person shall be employed to teach a common school which is to receive its distributive share of the school fund, unless he shall have a certificate of qualification signed by the County Superintendent of the county in which the school is situated, or by some other officer duly authorized by law; and any teacher who commences teaching without such certificate, shall forfeit all claim to compensation for the time during which he teaches without such certificate.

Teacher to keep register. SEC. 60. The teacher shall keep a correct register of the school, which shall exhibit the sub-district, township, county and State in which the school is kept; the day of the week, the month and year; the name, age and attendance of each scholar, and the branches taught; the register to be as near as practicable after the form appended to this Act. When scholars reside in different districts, a register shall be kept for each district.

SEC. 61. The teacher shall, immediately after the close of his school, file in the office of the Secretary of the Board of Directors, a certified copy of the register aforesaid. To file copy of register.

COUNTY SUPERINTENDENT.

SEC. 62. A County Superintendent of common schools shall be elected in each organized county in the State, at the general election in October, 1863, and at the general election every two years thereafter; and the incumbents in office at the taking effect of this Act shall continue in office until their successors are elected and qualified as herein provided. County Supt. —election of.

SEC. 63. On the first day of January next succeeding the date of his election, he shall take and subscribe the usual oath of office, and enter upon the discharge of his duties; and on his failure so to do, or if from any other cause there should be a vacancy in the office, the Board of Supervisors shall appoint a person to fill such vacancy, who shall qualify within ten days after his appointment, and shall continue in office until the time prescribed for filling said office by election as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy. When to qualify.

SEC. 64. On the last Saturday of each month he shall meet all persons desirous of passing an examination, and for the transaction of any other business within his jurisdiction, in some suitable room provided for that purpose by the Board of Supervisors at the county-seat, at which time he shall examine all such applicants for examination as to their competency and ability to teach Orthography, Reading, Writing, Arithmetic, Geography and English Grammar; and in making such examination, he may, at his option, call to his aid one or more assistants. Vacancy, how created and filled.

SEC. 65. If the examination is satisfactory, and the Superintendent is satisfied that the respective applicants possess a good moral character, and the essential qualifications for governing and instructing children and youth, he shall give them a certificate to that effect, for a term not exceeding one year. To meet and examine teachers.

SEC. 66. Any school officer or other person shall be permitted to be present at such examination; and the Superintendent shall make a record of the name, residence, age, and date of examination of all persons so examined, distinguishing between those to whom he issues certificates, and those rejected. To issue certificates.

SEC. 67. If any person shall make application for an

Applicants to examination at any other time, he shall pay the Superintendent a fee of one dollar before the examination is commenced, as a compensation therefor; unless he presented himself on the regular day specified, and was unable from no fault of his own to obtain an examination, in which case no fee shall be required of him.

May appoint deputy. SEC. 68. If for any cause the County Superintendent cannot be present at the regular day thus fixed, he shall appoint one or more deputies to make the examination in his stead. He shall afterwards issue certificates to those who receive the recommendation of his deputies as aforesaid.

May revoke certificate. SEC. 69. The Superintendent may revoke the certificate of any teacher in the county, which was given by the Superintendent thereof, for any reasons which would have justified the withholding thereof, when the same was given.

To make annual report. SEC. 70. On the fifth day of October of each year he shall make a report to the Secretary of the Board of Education, containing an abstract of the reports made to him by the respective district Secretaries, and such other matters as he shall be directed to report by the said Secretary of the Board of Education, and as he himself may deem essential in exhibiting the true condition of the schools under his charge; and he shall at the same time file with the Clerk of the Board of Supervisors a statement of the number of persons between the ages of five and twenty-one years, in each school district in his county.

SEC. 71. Should he fail to make either of the reports required in the last section, he shall forfeit to the school fund of his county the sum of fifty dollars, and shall besides, be liable for all damages caused by such neglect.

To conform instructions and transmit documents to district officers. SEC. 72. He shall, at all times, conform to the instructions of the Secretary of the Board of Education, as to matters within the jurisdiction of the said Secretary. He shall serve as the organ of communication between the Secretary and township or district authorities. He shall transmit to the townships, districts or teachers, all blanks, circulars, and other communications, which are to them directed.

Compensati'a SEC. 73. For the time necessarily spent in the discharge of his official duties, he shall receive the sum of two dollars per day, and at the same rate for every fraction of a day, to be paid from the county revenue; but before he shall be entitled to such compensation, he shall file a sworn statement of the time he has been so employed, with the Clerk of the Board of Supervisors and

in a county having less than twenty-five sub-districts, his whole annual compensation, exclusive of fees paid by teachers for examination, as herein provided, shall not exceed fifty dollars; and in any county having more than twenty-five sub-districts, it shall not exceed, exclusive of such fees, two dollars for each sub-district.

GENERAL PROVISIONS.

SEC. 74. A school month shall consist of four weeks, School month of five school days each.

SEC. 75. Any officer, whose term of office is prescribed by this Act shall continue in office until his successor is elected and qualified. Officers to continue in office.

SEC. 76. Every person elected or appointed to any office, pursuant to the provisions of this Act, shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be endorsed thereon. In other cases, it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths. General oath of office.

SEC. 77. All fines and penalties collected from a school district officer by virtue of any of the provisions of this Act, shall enure to the benefit of that particular district. Those collected from any member of the Board of Directors, shall belong to the district township, and those collected from County Officers to the County. In the two former cases, suit shall be brought in the name of the District Township; in the latter, in the name of the County, and by the District Attorney. The amount in each case, shall be added to the fund next to be applied by the recipient for the use of Common Schools. Fines and penalties.

SEC. 78. In all cases where a School District, as constituted at the time of the taking effect of an Act entitled "An Act for the Public Instruction of the State of Iowa," approved March 12th, 1858, and formed of two or more civil townships in the same or adjoining counties, had a school house erected, which said house had not been destroyed, removed or abandoned, said district as that time constituted, shall be and remain a sub-district in, and form a part of the district township in which such school house is situated, for voting, taxation, enumeration of children, distribution of money, and all other school purposes, as fully as though said sub-district School district formed of parts of two or more civil townships.

were all included within the township in which the school house is situated. And the boundaries of such sub-district shall not be changed, except with the concurrence of the Boards of Directors of the townships interested: *Provided*, That upon the written application of two-thirds of the electors residing upon the territory within the township in which the school house is not situated, to the respective Boards of Directors—or, when said school house has been removed—or, said territory is uninhabited—it shall remain under the jurisdiction of, and form a part of the district township to which it geographically belongs; and any tax which has been levied on said territory for the construction of a school house at any other site than the one originally occupied, shall be refunded to the district township to which said territory reverts, for the construction of a school house in the sub-district in which said sub-district may subsequently be included; and the respective Boards of Directors shall, in either case, divide their districts in accordance with the provisions of this section.

School house tax refunded.

Judgment against a district, how settled.

SEC. 79. When a judgment has been obtained against a school district, it shall be the duty of the Board of Directors to pay off and satisfy the same, from the proper fund, by an order on the Treasurer of the district; and it shall be the duty of the district meeting at the time for voting a tax for the payment of other liabilities of the district, to provide for the payment of such order or orders.

Board of Supervisors to levy tax.

SEC. 80. In case a school district has borrowed money of the school fund, as contemplated in section eight, of "An Act to provide a System of Common Schools," passed by the Board of Education, December 24th, 1858, it shall be the duty of the Board of Supervisors to levy such tax, not exceeding five mills on the dollar in any one year, on the taxable property of the district as constituted at the time of making such loan, as may be necessary to pay the annual interest on said loan, and the principal when the same falls due, unless the Board of Supervisors shall see proper to extend the time of said loan.

Hours of meeting and adjourning.

SEC. 81. No district township meeting, or sub-district meeting, shall organize earlier than nine o'clock, A. M., nor adjourn before twelve o'clock M.; and in all independent school districts, organized under "An Act to confer certain powers on towns and cities for school purposes," or as hereinafter provided, the polls shall remain open from nine o'clock A. M., to four o'clock P. M.

SEC. 82. When any school officer is superseded by School offi- election or otherwise, he shall immediately deliver to cers to deliv- his successor in office, all books, papers and moneys per- er books and taining to his office, taking a receipt therefor; and every papers. such officer who shall refuse to do so, or who shall will- fully mutilate or destroy any such books or papers, or any part thereof, or shall misapply any moneys entrusted to him by virtue of his office, shall be liable to the provisions of the General Statutes for the punishment of such offenses.

SEC. 83. Nothing in this Act shall be so construed as Jurisdiction to give the Board of Directors of a District Township, of district jurisdiction over any territory included within the limits townships. of any city or village, with the territory annexed thereto for school purposes, which has organized separately as a school district under any other Act.

INDEPENDENT SCHOOL DISTRICTS.

SEC. 84. Any city or town, containing within its surveyed limits not less than three hundred inhabitants, A city or town consti- and certain territory contiguous thereto, may be consti- tuted district. tuted a separate school district, in the manner hereinafter provided.

SEC. 85. At the written request of any ten legal vo- Notice of ters residing in such city or town, the Township Trus- election for tees shall establish the boundaries of the contemplated organization. school district, including such contiguous territory as may best subserve the convenience of the people for school purposes, and shall give at least ten days' previous notice of the time and place of such meeting of the electors residing in said district, by posting written notices in at least five conspicuous places therein; at which meeting the said electors shall vote by ballot for or against a separate organization.

SEC. 86. Should a majority of the votes be cast in fa- Notice of first vor of such separate organization, the township trustees election of shall give similar notice of a meeting of the electors for Board of Di- the election of a President, Vice-President, Secretary, rectors. and Treasurer, who shall continue in office until the next annual meeting thereafter; and three Directors, one of whom shall continue in office for one, one for two, and one for three years, from and after the next annual meeting thereafter, their respective terms of office to be determined by lot; and the said President, Vice-President, Secretary, Treasurer, and three Directors, shall constitute a Board of Directors for the District.

SEC. 87. Said meeting shall organize, by appointing

How to organize meeting. a President and Secretary, who shall act as judges of the election, and issue a certificate of election to the persons elected.

Notice, when district is composed of different townships. SEC. 88. In case such school-district is formed of parts of two or more civil townships in the same or adjoining counties, the duty of giving the notice shall devolve upon the trustees of the township in which a majority of the legal voters of the contemplated school district reside.

District may be divided into wards. SEC. 89. Said school district may have as many schools, and be divided into such wards, or other subdivisions for school purposes, as the Board of Directors may deem proper; and shall be governed by the laws enacted for the regulation of district townships, so far as the same may be applicable.

Annual meeting of independent districts. SEC. 90. The annual meeting of all independent school districts, formed as herein contemplated, or under the laws in force at the passage of this act, shall be held on the second Monday in March, for the transaction of the business of the district, and for the election by ballot of a President, Vice President, Secretary and Treasurer who shall continue in office for one year, and one director as the successor of the one whose term expires, who shall continue in office for three years; and the President, Vice President and Secretary, then in office, shall act as judges of the election, and shall issue certificates of election to the persons elected for the ensuing term.

Remainder of township a district township. SEC. 91. Where an independent school district has been formed out of a civil township or townships as herein contemplated, the remainder of such township, or of each of such townships, as the case may be, shall constitute a district township, as provided in the first section of this Act; and the boundaries between such district township and independent school district, may be changed at any time with the concurrence of their respective Boards of Directors.

SPECIAL PROVISIONS.

Officers to remain in office. SEC. 92. Any school district officer, in office at the taking effect of this Act, shall continue in office until the next regular election thereafter, as herein provided.

Auditor to apportion interest of school funds. SEC. 93. The Auditor of State shall, on the first Monday in March and September of each year, apportion the interest of the permanent school fund among the several organized counties of this State, in proportion to the number of persons between five and twenty-one years of age, in each, as shown by the last report of the num-

ber of such persons filed with him by the Secretary of the Board of Education.

SEC. 94. "An Act to confer certain powers on towns and cities for school purposes, passed December 24th, 1858; "An Act to amend an Act entitled an Act to provide a system of Common Schools," passed December 24th, 1859; "An Act providing for the boundaries of districts in certain cases," passed Dec. 24th, 1859; "An Act to amend an Act to confer certain powers on towns and cities for school purposes," approved February 26th, 1860; "An Act to amend an Act passed by the Board of Education, December 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act to amend an Act passed by the Board of Education December 24th, 1859, entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act to amend an Act passed by the Board of Education Dec. 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act defining the duties and regulating the compensation of County Superintendents," passed December 17th, 1861; "An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," passed December 19th, 1861, and all other Acts, and parts of Acts contravening the provisions of this Act, are hereby repealed.

CHAPTER 173.

REVENUE.

AN ACT to amend Chapter forty-five of the Revision of 1860, being an Act in relation to Revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Supervisors of each county of this State, in addition to the taxes they are now directed to levy by the provisions of section one of chapter forty-five of the Revision of 1860, shall annually levy the per centum of taxation of the "Federal Tax," as prescribed in section eleven of the Act passed by the Ninth General Assembly, entitled "An Act for the as-
Levy of Federal Tax.