

## CHAPTER 77.

## SCHOOLS.

AN ACT for an act supplemental to an act to establish a system of common schools.

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

**SECTION 1. Fund commissioner to be elected—term.** That in each newly organized county where a school fund commissioner has not been elected, said officer shall be elected at the township election in April, 1851, and shall hold his office till his successor is elected and qualified at the regular election provided for in the act to which this is supplemental.

[178] **SEC. 2. New counties to elect—term.** In every county that may hereafter be organized, a school fund commissioner shall be elected at the time of electing other county officers, and shall hold his office till the regular election for said officer then next ensuing, and until his successor is elected and qualified.

**SEC. 3. Books, papers, etc.** When any school officer is superseded by election or otherwise, he shall immediately deliver to his successor all books, papers and monies, pertaining to his office, taking a receipt therefor, which shall specify the particular class of books, papers and monies, thus transferred.

**SEC. 4. Unite districts.** The fund commissioner is authorized to unite two or more districts, under one corporate name, with the consent of the districts concerned.

**SEC. 5. Consent by a vote taken.** The consent of each district thus united, must be given by a vote taken at a meeting convened for that purpose, of which due notice must be given.

**SEC. 6. Powers of new district.** The new district thus formed becomes responsible for the liabilities, and shall assume the control of the property, and assets of the districts, of which it is constituted.

**SEC. 7. Fund commissioner to fill vacancies.** Should any emergency arise by which a district may be left without officers, the fund commissioner shall appoint a president, secretary and treasurer for said district, who shall continue in office till the next regular district election thereafter.

**SEC. 8. Failure to qualify create vacancy.** A failure of any district officer to qualify within the time specified by law, creates a vacancy.

**SEC. 9. Not to exempt tax payers.** No person shall be released from the payment of a district tax by virtue of the alteration of the boundaries of school districts authorized in the act to which this is supplemental, where such alteration was made after the tax was voted, except by a vote of the district from which he is detached.

**SEC. 10. Commissioners to notify secretaries of change.** Whenever the boundaries of a school district are changed, the fund commissioner shall immediately notify the respective secretaries of the districts affected, of the fact in writing.

**SEC. 11. Defaulter guilty of felony—punishment.** Any officer charged with the sale of school lands, or management of school monies, who wilfully keeps false books, or who uses the public money which comes into his hands in [179] such a way, as to fail in paying the same over to the proper person when legally required, is guilty of felony, and shall upon conviction, be punished by imprisonment at hard labor in the penitentiary, for a term not exceeding ten years.

**SEC. 12. Lands entered must be taxed.** When a tax has been voted in any school district, no lands entered prior to said vote shall be exempt from the tax thus voted.

**SEC. 13. Pay of commissioners out of school fund.** The fund commissioners from and after the first day of April, 1851, shall receive such annual compensation for their services and contingent expenses for books, postage and stationery as may be allowed by the clerk of the district court, sheriff and prosecuting attorney and approved by the superintendent of public instruction, to be paid out of the school fund.

**SEC. 14. Allowance when and how made.** Such allowances shall be made in writing by the first day of October of each year, and shall be transmitted by the fund commissioner, with his annual report to the superintendent.

**SEC. 15. Fiscal year.** Said compensation shall be in full for services rendered for the year commencing April first, and ending March thirty-first.

**SEC. 16. Limitation of taxing.** No property shall be subject to taxation for district purposes more than once in any one year.

**SEC. 17. To take effect—proviso.** This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican; provided, that nothing herein contained in reference to school districts shall become binding till the first day of April, 1851.

Approved, February 5th, 1851.

Published in the Iowa Capitol Reporter and Iowa Republican February 12th, 1851.

## [180] CHAPTER 78.

### RIGHT OF WAY.

AN ACT granting the Ottumwa and Libertyville Plank Road Company the right of way.

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

**SECTION 1. Right of way.** That the Ottumwa and Libertyville plank road company, is hereby authorized to lay out and construct their road between the towns of Ottumwa, in Wapello county, and Libertyville, in Jefferson county, on such grounds as may be by them deemed suitable for that purpose, including any portion of the public highway: provided, the traveling on such highway is not thereby interfered with.

**SEC. 2. Road way width—private property.** The quantity of ground to be thus taken shall be merely a road way, not exceeding sixty feet in width; and when private property is thus taken, a fair equivalent must be paid therefor, before the property can be appropriated by the company.

**SEC. 3. Damages—manner of obtaining—jury—deed.** When the proprietor of any lands thus taken is legally competent to act for him or herself, and has received personal notice of the laying the road through his or her land, he or she must, within ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he or she may sustain, or he or she shall be held to have accepted the largest amount of damages offered by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.