

CHAPTER 153.

AN ACT to amend Chapter 80 of the Code of Iowa.

Judgment paid
within three
years.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where judgments have been or may hereafter be rendered in any of the courts of this State under the provisions of Chapter 80 of the Code of Iowa, in favor of an occupying claimant or claimants for the amount of his, her or their improvements, the owner of the title to the land may at any time within three years after the date of such judgment, pay the amount of the same, and he shall immediately upon the payment of the same, have the right to the possession of the land for which purpose a writ shall be issued by the Clerk of the Court where the judgment was rendered upon the application of the owner of the title aforesaid.

Judgment paid
by execution.

Sec. 2. If the owner of the title does not within three years from the date of judgment pay the amount of the judgment and take possession of the land, then owner of the improvements may cause to be issued an execution against the property of the owner of the title for the amount of his judgment, which execution shall be satisfied in the same manner as in any other case; and when the execution is satisfied all claims of the occupying claimant upon the land, and improvements shall cease, but said execution may be levied upon the lands or any other property not exempt from execution of the owner of the title.

Conflicting acts
repealed.

Sec. 3. So much of Chapter 80 the of Code of Iowa as comes in conflict with this act is hereby repealed.

Approved March 23d, 1858.

CHAPTER 154.

AN ACT to provide for the making and repairing of Public Highways, and prescribing the duties of Township officers in certain cases.

SECTION 1. *Be it enacted by the General Assembly of*

the State of Iowa, That the township trustees of the several townships of this State shall meet on the first Monday of October, A. D., 1858, and every subsequent year thereafter, and divide their respective townships into such number of road districts as they may deem necessary for the public good.

Sec. 2. There shall be elected at the general election in the fall of 1858, and annually thereafter, one Supervisor for each road district within the several townships of this State, who shall hold his office for one year, and until his successor is elected and qualified. 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 other than the one residing in the district where such elector resides, but no person shall be required to serve as Supervisor who is exempt by this act from performing labor on the highway.

Sec. 3. Said election shall be conducted as other elections, and it shall be the duty of the township Clerk to notify said Supervisor elect, within five days after said election, and said Supervisor elect, thus notified, shall appear before the township Clerk within ten days thereafter, and give bond and take the oath of office as required by the Constitution of the State of Iowa.

Sec. 4. Any Supervisor elect, after having been notified as required in section three of this act, who shall fail to appear before said township Clerk (unless prevented by sickness) within the specified time, and give bond and take the oath of office as required by this act, 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 in office to collect the said amount by suit or otherwise, and apply the same to the repairing of roads in his district.

Sec. 5. Each Supervisor so elected shall be required to give bond in such sum and with such security as the township Clerk may deem requisite, conditioned that he will faithfully and impartially perform all the duties devolving upon him, and appropriate all moneys that

Election of Supervisor.

Supervisor notified and qualified.

Penalty for refusing to qualify.

Supervisor gives bond.

Vacancy.

may come into his hands by virtue of his office according to law, which bond shall be kept by the township Clerk among the papers of his office. And in the event of a vacancy occurring in any road district within his township, it shall be the duty of the township Clerk to fill such vacancy by appointment as soon as notified of the same.

Men required to work on roads.

Sec. 6. Each Supervisor shall require all the able bodied male residents of his district between the ages of twenty-one and forty-five to perform two days labor upon the public highway between the first day of April and the first day of July of each year as hereinafter provided.

Notice of commencement.

Tools brought.

Sec. 7. The Supervisor shall be required to give at least three days notice previous to the day or days designated to work the roads to all persons in his district subject to work, as required in section six of this act, what day he will superintend the work on the roads within his district, and all persons so notified must meet said Supervisor or at such time and place, and with such tools, implements and teams as said Supervisor may designate, and shall labor diligently under the direction of the Supervisor, for eight hours each day, and for such two days labor performed, the Supervisor shall give to the person a certificate, which certificate shall be evidence that such person has performed labor on the public highway as required by section six of this act, and shall exempt such person from performing labor in payment of road poll tax in that or any other road district within this State for the same year. *Provided*, that any person furnishing a good team, consisting of two horses or their equivalent, shall be allowed the same for the team that is allowed for able bodied men per day.

Penalty for absence, idleness and disobedience.

Sec. 8. Each person made liable to perform labor on the public highway by section six of this act, who shall fail or neglect to attend either in person or by satisfactory substitute at the time and place appointed with the designated tool, implement or team, having had three days notice thereof, or having attended, shall spend his time in idleness, or disobey the Supervisor, or fail to fur-

nish to said Supervisor within five days thereafter some satisfactory excuse for not so attending, shall forfeit and pay to said Supervisor the sum of one dollar and twenty-five cents for each day's delinquency, and in case of a failure to pay such forfeit within ten days, it is hereby made the duty of such Supervisor to recover the same by action of debt in the name of the Supervisor, before any Justice of the Peace in the proper township, which money when collected shall be immediately expended on the public highway.

Sec. 9. The Supervisor shall perform the same amount of labor as is required of an able bodied man, for which he shall be allowed the sum of one dollar and fifty cents per day, including the time necessarily spent in notifying the hands and making out his returns, which sum shall be paid out of the road fund after deducting his two days work required by section six of this act, and road tax for that year. *Provided*, that where there is no money in the hands of the Clerk with which to pay the the said Supervisor, he shall be entitled to receive a certificate from the township Clerk for the amount of labor performed, after deducting as above required, which certificate shall be received in payment of his own road tax for any succeeding year.

The pay of Supervisor.

Sec. 10. For the purpose of enabling the Supervisors to determine the precise location of the various roads in their respective districts, it is hereby made the duty of the County Judge of each county of this State to furnish each of the township Clerks of his county within three months after the taking effect of this act, with a map on a scale of not less than two inches to the mile, of their respective townships, on which map shall be plainly marked all roads which are at the time of making such map legal roads, which map shall be carefully preserved among the papers of his office. And it is further made the duty of the County Judge immediately after the establishing of any new road, to notify the township Clerks of the townships in which said road has been located, of the location of the same, and also to furnish a copy of the field notes thereof, and the Clerk

Maps of roads furnished.

Plat of new road furnished.

shall immediately mark the same on the map in his office.

Maps of districts furnished.

Sec. 11. The township Clerk shall furnish each Supervisor of his township with a map of his district, which map shall contain all the legal roads in said district, and when any new road shall have been established, it shall be the duty of the township Clerk to notify each of the Supervisors whose district is affected by said new road, and also to furnish a copy of the field notes of the same, which new road shall be immediately marked on the map of said district in his possession.

Road tax determined.

Sec. 12. The township trustees of each organized township, shall, at an annual meeting to be holden on the second Monday of April in each year, or as soon thereafter as the assessment book is received by the clerk, determine upon the additional amount of property tax to be levied for roads, bridges, plows and scrapers, and levy the same, which shall not be less than one nor more than three mills on the dollar on the amount of the township assessment of that year. *Provided*, that when incorporated cities are by act of incorporation heretofore passed and made road districts, this act shall not interfere with such districts, but the same shall be under the control of such city.

Tax lists for each district made out.

Sec. 13. The township Clerk shall within four weeks after such levy make out a tax list for each road district in his township, which list shall be in tabular form and in alphabetical order, having distinct columns for lands, town lots and personal property, and carry out in a column the amount of the tax on each piece of land and town lot, and on the amount of personal property belonging to each individual, and to enable the township Clerk to make out such tax list, it is hereby made the duty of the assessor to furnish the township Clerk of each township in the several counties of this State, on or before the first day of April of each year, with a correct copy of the assessment lists of said township for that year, which list shall be the basis for such tax list. It shall be the duty of the County Judge to furnish the several township Clerks of his county with printed

blanks necessary to carry into effect the provisions of this act.

Sec. 14. The township clerk shall make an entry upon such tax list showing what it is, for what road district and for what year, and shall attach to the list his warrant under his hand, in general terms requiring the Supervisor of such district to collect the taxes therein charged as herein provided, and no informality in the above requirements shall render any proceedings for the collection of such taxes illegal. The clerk is hereby required to cause such lists to be delivered to the proper supervisors of his township by the 1st day of May next after the levy, take his receipt therefor, and such list shall be full and sufficient authority for the Supervisor to collect all taxes therein charged against resident property holders in his district.

Sec. 15. The Supervisor shall within ten days after receiving such tax list, post up in three conspicuous places within his district written notices of the amount of road tax assessed to each tax payer in said district.

Sec. 16. The township trustees shall at their annual meeting on the second Monday of April in each year determine the sum that will be allowed for a day's labor, and also the sum that will be allowed for a man and team per day, and the township Clerk shall immediately notify each of the Supervisors in his township of such determination.

Sec. 17. The Supervisor shall be required to give at least three days notice previous to the day designated to work the roads to all persons in his district charged with a road tax, of the day or days he will superintend the work on the roads within his district, and all persons so notified must meet said Supervisor at such time and place with such tools, implements and teams, as said Supervisor may designate, having such tools and implements in his possession, and in case of a failure to attend either in person or by satisfactory substitute at such time and place, or send a reasonable excuse within five days thereafter for not so doing, the Supervisor shall immediately commence suit for the collection of the tax

Supervisor authorized to collect tax.

Lists delivered.

Road tax posted.

Price of labor.

Notice of time to work roads.

Penalty for non-attendance.

which such person is liable to pay, and expend the same as soon as collected on the public highways in his district.

<sup>Annual receipt
of the Supervisor</sup> Sec. 18. The Supervisors of the several districts of each township shall report to the township Clerk on the first Monday of October in each year, which report shall embrace the following items:

1. The names of all persons in his district required by section six of this act to perform labor on the public highway, and the amount performed by each.

2d. The names of all persons against whom suits have been brought, as required by section eight of this act, and the amount collected of each.

3d. The names of all persons who have paid their property road tax in labor, and the amount paid by each.

4th. The names of all persons against whom suits have been brought for the collection of road taxes, and the amount collected from each.

5th. the names of all persons who have paid their road tax in money, and the amount paid by each.

6th. A correct list of all non-resident lands and town lots on which the road tax has been paid, and the amount paid on each.

7th. A correct list of all non-resident lands and town lots on which the road tax has not been paid, and the amount of tax on each piece.

8th. The amount of all moneys coming into his hands by virtue of his office, and from what sources.

9th. The manner in which the moneys coming into his hands by virtue of his office ha been expended, and the amount, if any, in his possession.

10th. The number of days he has been faithfully employed in the discharge of his duty.

11th. The condition of the roads in his district, and such other items and suggestions as said Supervisor may wish to make, which report shall be signed and sworn to by said Supervisor and filed by the Township Clerk among the papers of his office.

Sec. 19. The Township Clerk shall immediately after

the filing of the report as required in the foregoing section, make out a correct list of all non-resident land and town lots on which the road tax has not been paid, and the amount of tax charged on each piece of land and town lot, designating the district in which said land or town lot is situated, and transmit a certified copy of the same to the County Judge of the proper county, which shall be immediately placed in the hands of the county Treasurer, who shall collect the same in the same manner that county taxes are collected, and in case of the Clerk failing or neglecting to make such return, he shall forfeit and pay to the use of the township for road purposes, a sum equal to the amount of tax on said land, which may be collected by suit on his official bond, commenced in the name of the township by the trustees thereof before any court having competent jurisdiction.

*Non resident
road tax col-
lected.*

*Penalty for neg-
lect to make re-
turn.*

Sec. 20. The Supervisor shall cause two-thirds of the property tax in his district to be worked out between the first day of May and the first day of July of each year, and the remaining one-third whenever he thinks the condition of the roads demand it, but in all cases before the first day of October of that year.

*Time of working
roads.*

Sec. 21. Any Supervisor failing or neglecting to perform the several duties required by this act, shall forfeit and pay for the use of the road fund in his district, the sum of one hundred dollars; and it is hereby made the duty of the township Clerk in case of such failure or neglect, to commence suit in his name for the collection of the same before any justice of the peace within the proper township.

*Neglect of Super-
visor punished.*

Sec. 22. The Supervisor is authorized to take timber or other material for the use of the road from any unenclosed lands in the neighborhood of which the road passes, but he is not permitted to cut down or injure any tree growing by the wayside which does not obstruct the road, and which stands in front of any town lot or enclosure or cultivated field, or any ground reserved for any public use, where such tree is intended to be preserved for shade or ornament by the proprietor of the land on or adjacent to which the tree is so

*Timber may be
taken.*

*Shade trees pro-
tected.*

Pay for timber. standing, and the person owning such timber or material thus taken, shall be paid out of any of the road fund in the hands of the Supervisor, a fair value therefor, and in case there be no money in the hands of such Supervisor, then such Supervisor shall give him a certificate stating the amount, kind and value of such material taken, which certificate shall be received for the payment of his road tax for that or any succeeding year, to the amount thereof.

Damage for unsafe bridges. Sec. 23. When notified in writing that any bridge or other portion of the public road is unsafe or impassable, the Supervisor thus notified shall be liable for all damage resulting from the unsafe or impassable condition of the road or bridge, after allowing a reasonable time for repairing the same.

Persons summoned to repair bridge. Sec. 24. For making such extraordinary repairs, the Supervisor may call out any or all the able bodied men of the district in which they are to be made, but not more than two days at any one time without their consent, and persons so called out shall be entitled to receive a certificate from the Supervisor certifying the number of days of labor performed, which certificate shall be received for road tax for that or any succeeding year, at the rate per day established for that year.

Fine for neglect to attend. Sec. 25. If any able bodied man when duly summoned for any such purpose, fails to appear and labor diligently by himself or his substitute, or send satisfactory excuse therefor, he is liable to a fine of ten dollars, to be recovered by suit before any justice of the peace in the name of the district and for the use of the road fund of said district. *Provided*, in all cases, the person so notified shall have the privilege of paying the value of such work immediately in money.

Obstructions removed. Sec. 26. It is the duty of the Supervisor to remove obstructions in the public highways caused by fences or otherwise, but he must not throw down or remove fences which do not directly obstruct the travel upon the highway, until not to exceed six months notice has been given to the owner of the land enclosed in part by such fence.

Sec. 27. When any owner or occupant of land ad. ^{Provisions for growing hedges.} joining and abutting upon any road or highway, may desire to plant a hedge upon the line of any road, he shall be allowed to build or remove his fence upon such 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. Such owner or occupant shall not be allowed to occupy such highway as aforesaid for more than five years, and not more than one year before such hedge shall be planted, and at the expiration of such time he shall remove such fence, upon the order of the Supervisor of the district where such road is situated.

Sec. 28. It shall be the duty of the Supervisor to keep the roads in as good condition as the funds at his disposal will permit, and to place guide boards at the forks of the roads in his district, and shall be furnished with money to do the same. ^{Condition of roads.}

Sec. 29. 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. ^{Fine for not giving half the road.}

Sec. 30. The Supervisors are hereby required to meet the township trustees at their regular meeting on the first Monday in October of each year, and have a final settlement of all their accounts connected with the road fund and with the affairs of their office as Supervisor; and after the payment of the Supervisor, the trustees shall order the distribution of the road fund in the hands of the township Clerk as they may deem expedient for road purposes, and the township Clerk shall pay the same out as ordered by the trustees. The township Clerk shall be entitled to five per cent, on all monies coming into his hands by virtue of his office, and ^{Annual settlement of Supervisor.} ^{Pay of Clerk.}

shall be required at least once in each year to make settlement with the County Judge, producing vouchers for all moneys paid out by him, specifying for what, and to whom paid.

*Clerk gives bond
and draws money.*

Sec. 31. 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, when the County Judge shall give an order to said Clerk on the County Treasurer for all moneys collected by him as road taxes upon all property 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 Judge shall charge the same to the account of the said clerk upon the road book.

Pay of Clerk.

Sec. 32. The township clerk shall be allowed the sum of one dollar and fifty cents per day for all days necessarily employed in the discharge of the duties of his office, which account after being signed and sworn to, shall be audited and paid out of the County Treasury as other accounts are audited and paid.

*Election of Su.
pervisors.*

Sec. 33. Supervisors elected at the April election of 1858, shall hold their office until the second Tuesday of October, 1858, and until their successors are elected and qualified.

*Conflicting acts
repealed.*

Sec. 34. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 23d, 1858.

CHAPTER 155.

BOARD OF EDUCATION.

AN ACT providing for the election of the members of the Board of Education, and fixing the times of meeting of said Board.

SECTION 1. Be it enacted by the General Assembly of