

ERRATA.

On page 2 and in sec. 4, read "among" for "amongst."

On page 5 and on the 13th line below the words "its history," read "one hundred and fifty three thousand seven hundred and nineteen dollars and twenty one cents (\$153,719,21,") instead of "one hundred and five thousand seven hundred and nineteen dollars and twenty-one cents (105,719,21,")

On page 7 and in second line from bottom, add the word "how."

On page 8, remove "comma" in 4th line from top, and from betwixt the words "not" and "however," and place said "comma" after the word "deduced" in same line.

On the last line of page 8, introduce "&c., &c." after the word "boilers," and a "comma" betwixt the word "boiler" and the word "engine" preceding it.

On page 9, at 20th line from top, introduce betwixt the words "surrender" and "upon" the words "of the contract."

Transpose the first and second "whole sentence" on page 10.

On page 11, and on 6th line from top, introduce the words "or penal" betwixt the words "reformatory" and "institution."

On page 12, and at 19th line from top, read "term" instead of "time."

On page 13, and in first line from top, read "grave" instead of "grievous."

On page 13, and at 10th line from top introduce the word "penal" and "a comma" betwixt the words "all" and "reformatory."

On page 14, and in 3d line from bottom, remove "colon" and introduce a dash, thus " : — " betwixt the words "hundred" and "but."

On page 15, and on 11th line from top, read "fence" for "force."

On page 15, and on 14th line from top, omit the word "say" once.

On page 15, and in 23d line from top, read "there" for "these."

Office of Secretary of the Board of Education,
DES MOINES, IOWA, FEBRUARY 24TH, 1860.

To School District Officers :

The new school law 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," with the exception of sections 65, 66, 67 and 68, takes effect March the first, 1860, and consequently will govern the proceeding of school districts and school officers from and after that date. The sections above mentioned remain inoperative until sanctioned by the General Assembly, and until they are thus sanctioned, no additional powers are conferred on sub districts relative to the erection of school houses. Section 9 provides that an election shall be held in each sub-district on the first Monday in March, annually, for the election of one sub-director, and that five days notice of the time and place of such meeting shall be given by the then resident sub director, or if there is none, by the district Secretary, by posting a written notice in three public places in the sub-district. Should there not be time in any particular case to give such notice, a failure so to do will not invalidate the election. If there is but one sub-district in the township district, *three* sub-directors are to be elected in like manner. The sub-district meeting is to organize by the appointment of a Chairman and Secretary, who are to act as judges of the election, and issue a certificate of election to the sub-director elect. The electors of the sub-district are also to determine at such meeting whether they desire any funds raised by tax for *school house* purposes, such as building, purchasing, repairing or leasing, and if so, what amount for each object, and the sub-director is required within five days thereafter, to certify the same to the township clerk. It is not the object of this provision to vote a tax on the sub district, but simply to ascertain what amount should be levied on the township district, for the use and benefit of said sub-district. Each sub-director (and also each member of the Board of Direc-

tors in city districts organized under "An act to confer certain powers on towns and cities for school purposes,") is required within ten days after his election to take the oath of office prescribed in section 46 of the present law, or section 58 of the new law (being the same in both cases,) and in case of failure so to do, he is to forfeit the sum of ten dollars for the use of the district.

The sub-directors constitute the Board of Directors for the township district, and the township Clerk becomes ex-officio Secretary of the Board and of the district, but has no vote. As the time within which he shall take the oath of office is not specified, by virtue of the authority vested in me, I hereby establish it as a rule and regulation that he shall do so within the time prescribed for other district officers, and a failure to comply with this requirement shall create a vacancy in the office. His term of office will date from the day fixed for the election of sub-director. The time of holding the regular meetings of the Board of Directors of the township district is not changed by the new law, nor is there any material change in that portion of the law which defines their general powers and duties. The following is one of the most important alterations:

"*Thirteenth*—They shall apportion any tax for school house purposes in such manner that the rate per cent levied upon any sub-district which has built a school house, unaided by other portions of the district shall be so much less than the per cent levied on other sub-districts, as justice may require, but the per cent of tax shall be equal on all sub-districts owning no school house property. *Provided*, That the rate shall not exceed five mills on the dollar in any sub-district; and the Board may lessen the amount voted, if necessary, sufficiently to reduce it to that rate."

A majority of the Board constitutes a quorum to transact business, but a vote of a majority of *all the members* is necessary to change the boundaries of a sub-district. They are to organize by electing from their own number a President and Treasurer. The President, or in his absence the Secretary, shall preside at all meetings of the Board and of the township district. The annual report of the Secretary to the County Superintendent, is to be made on or before the 20th day of September. When the Treasurer has not sufficient funds in his hands to pay in full the warrants drawn on the district treasury, he is to make partial payments "paying as near as may be an equal proportion of each

warrant." The sub-director, in addition to his former powers and duties, is required to visit the schools of his sub-district—to report to the Secretary of the township district, on or before the 15th day of September in each year, the number of persons in his sub-district between the ages of five and twenty-one years—may dismiss pupils from school for gross immorality, and persistent violation of the regulations of the school, and re-admit them if he thinks proper, and under the directions of the Board of Directors he is to make all contracts in his sub-district for providing fuel, employing teachers, building, repairing and furnishing school houses, &c.

The regular meeting of the township district is to be held on the second Monday in March, of each year, and at such meeting the electors have the same powers that they have under the law now in force, except the authority to borrow money for the erection of school houses, and they cannot levy more than *five mills* on the dollar for *school house* purpose. All taxes voted by the district meeting or by the Board of Directors, are to be certified immediately by the Secretary to the County Judge, and when levied and collected, are to be paid over by the county collector to the district treasurer, on the first Monday of April and September of each year. No change is made as to the time and manner of apportioning school moneys by the County Judge, and the funds when received by the district treasurer, are to be applied in payment of teachers' wages, in such manner as the Board of Directors may think proper. The duties of County Superintendent remain the same, except that he is not required to visit the schools, and his compensation from and after the first of March, will be "two dollars for every day necessarily engaged in official services." School districts organized under "An act to confer certain powers on towns and cities for school purposes," passed by the Board of Education, December 24th, 1858, and the recent amendments made thereto by the General Assembly, will hold their regular annual meeting, for the election of officers and the exercise of the general powers conferred on township districts, on the second Monday in March. The business of the Board of Directors and of the district will be conducted as formerly.

The law limits the school week to five days, and the school month to four weeks, or twenty days, and requires that 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 any teacher shall be entitled to a warrant for services."

Sundry amendments to the school law are now before the General Assembly. So soon as the subject has been definitely and finally disposed of by that body, I will have the law printed and distributed in pamphlet form.

THOMAS H. BENTON, JR.,
Secretary of the Board.

OFFICE OF SEC'Y OF BOARD OF EDUCATION, }
DES MOINES, IOWA, March 14, 1860. }

To School District Officers:

The object of this communication is to correct some erroneous impressions which exist in regard to the legality of the election of sub-directors on the 5th instant, (the first Monday in March.)

It is assumed that the election is illegal, because the five days previous notice required by the law either was not, or could not be legally given. Such is not the fact. In all elections or meetings, where the *time* for holding them is fixed by law, the notice, though proper and useful in itself, is not essential. It is simply directory, and a failure to give it, does not invalidate the election. Any other construction would place it in the power of the officers, whose duty it is to give the notice, to subvert the positive declarations of the law. The officer might refuse to give notice from year to year, and thus place it beyond the power of the people to comply with the requirements of the statute. Hence an election held in any sub-district on the first Monday in March, as required by law, either with or without the notice, *is valid*; and the sub-director elect should qualify and enter upon his duties. In all sub-districts which failed to elect on the first Monday in March, or which elected on some other day, the sub-director elected last year will hold over, and become a member of the board of directors of the township district for the present year. The law provides that "any officer whose term of service is prescribed by this act, shall continue in office until his successor is elected and qualified." In all cases

where there is any doubt as to the validity of the election, or where no election has been held, I would recommend that sub-directors continue in office under the foregoing provision.

The board of directors in office on the first day of March, should continue to act in that capacity until the new board is organized, at which time the offices of President, Vice President, Secretary and Treasurer, as created by the act of December 24th, 1858, cease to exist. The new board of directors should organize and enter upon their duties immediately after the first Monday in March, but in case they have failed to do so, it will be proper for the old board to act, till the new is perfected.

The law further provides that "When a new township has been organized, or a *district left without officers*, the trustees of the township shall post written notices specifying the time and place of the aforesaid meeting (sub-district meeting) in five conspicuous places in the township." Under this provision (applicable under the former law to township-district meetings, but under the present law only to the meetings of sub-districts and city districts,) the trustees should give notice of an election in each sub-district for the election of one sub-director, or, if in the case of a city district, of an election of President, Vice President, Secretary and Treasurer, and three directors, and in either case the meeting should organize by the appointment of a President and Secretary, who should act as judges of the election, and issue certificates to the officers elected. In this, and all similar cases, the *notice* designates the *time* and *place* of the meeting, and hence it *is essential*.

The law also authorizes the board of directors "to fill any vacancy that may occur in the board, until the next regular sub-district meeting," and "if at any time the office of Secretary becomes vacant by resignation or otherwise, the board shall appoint one of their own number to fill such vacancy."

In case any township district failed on the second Monday in March to vote a tax for the support of schools—that is, for the payment of teachers' wages—the board of directors can do so at their regular meeting on the first Saturday after the first Monday in April, being for the present year the 7th day of April. It becomes their duty at that time, to ascertain the amount required in addition to the sum apportioned to the district by the County Judge on the first Monday in April, to support the schools of the district

for at least twenty-four weeks, and to certify the same to the Co. Judge without any vote of the district, and it is to be levied, collected and "paid over as other school district taxes are." This is also applicable to districts organized under "an act to confer certain powers on towns and cities for school purposes." There is no limit fixed to this tax, other than that it must be enough, in connection with the funds received by the district from the annual apportionment, to support the schools for the length of time required by law. See 17th clause of section 27 of the former, and 14th clause of section 16 of the present law, being the same in both cases.

The law does not contemplate that there shall necessarily be three sub-directors in each township district. It only provides that three shall be elected where there is but one sub-district in the township district. In all other cases the sub-directors, two or more in number, constitute the board of directors for the township district.

It has been suggested from various quarters, that the Legislature should pass an act legalizing the proceedings and elections of school districts, where any doubt exists as to their validity. With due deference to those who entertain such an opinion, I must say that I do not see the necessity of such legislation, nor do I believe that the Legislature possesses the constitutional authority to pass such an act. The Courts have decided that the Legislature cannot constitutionally enact a law providing for the election and defining the duties of school officers, and hence it is reasonable to infer that it could not pass an act legalizing the election of such officers. It can only legislate by way of amendment or alteration of the acts of the Board of Education.

THOMAS H. BENTON, JR.,
Sec'y of the Board of Education.

A N A C T

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A SYSTEM OF COMMON SCHOOLS."

SECTION 1. *Be it enacted by the Board of Education of the State of Iowa*, That the act of the Board of Education, passed December, 1858, entitled "An Act to provide a system of common schools," be amended so as to read as follows:

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 under an act entitled "An Act for the Public Instruction of the State of Iowa," approved March 12th, 1858, shall continue such, subject to provisions hereinafter made:

SEC. 2. 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.

SEC. 3. Scholars residing in one district may attend school in another, in the same or an adjoining county, with the concurrence of the directors of both districts, and in such case, their proportion of the school money of the district to which they belong shall be paid to the Treasurer of the district in which they attend school; and scholars may attend school in any sub-district of the township in which they reside, with the consent of the District Board.

SEC. 4. Any township in an unorganized county shall be for the purposes of this act regarded as a portion of the county to which the county is attached for revenue purposes.

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 MEETINGS AND ELECTION OF OFFICERS.

SEC. 6. *First*—Each Township district shall hold regular meetings annually, on the second Monday in March.

Second—When a new township has been organized, or a district left without officers, the Trustees of the township shall post written notices specifying the time and place of the aforesaid meeting, in five conspicuous places in the township; provided, that 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 the new districts, till the time of the next election of officers.

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

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

Second—To adjourn from time to time as occasion may require.

Third—To levy such tax, not exceeding one per cent in any one year, on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house or school houses, and to build, rent, or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages, and for compensation of teachers, and for procuring district libraries and apparatus for the schools, books and stationery for the board and district meetings, and detract all other contingent expenses of the district: *Provided*, That no tax shall be levied for building school houses excepting at the regular meeting in March; and provided further, that no more than five mills on the dollar shall be levied in any one year for school house purposes.

Fourth—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.

Fifth—To provide for the payment of any debts contracted for school houses or school purposes.

Sixth—To delegate all the powers contained in the foregoing specifications to the district board of directors.

SEC. 8. At the meeting of the township districts, the chairman shall submit the questions coming before electors, in the following order: 1st. The levy of a tax for the payment of debts for school house purposes. 2d. For payment of officers and miscellaneous contingent expenses. 3. For paying amounts asked for by the several sub-districts, for each purpose separately. 4th. For payment of teachers. 5th. For purchase of libraries, fuel, apparatus, &c. 6th. For the delegation of power to Board of Directors. 7th. Other matters necessary or proper to be acted upon.

SEC. 9. The several sub-districts shall annually, on the first Monday in March, hold a meeting for the election of a Director, five days notice of which meeting shall be given by the then resident Director, or if there is none, by the District Secretary posting a written notice in three public places therein.

SEC. 10. At the meeting of the sub-districts, a Chairman and Secretary shall be appointed, who shall act as judges of the election, and give a certificate of election to the Director elect.

SEC. 11. Each 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 so to qualify, he shall forfeit ten dollars, to be recovered against him for the use of the district.

SEC. 12. The electors of said sub-district shall also, at the regular meeting in March, determine whether they desire any funds raised by tax to erect, repair, lease or furnish a school house in said sub-district, or for the lease or purchase of grounds for the same, and the amount for each purpose.

SEC. 13. Whenever any sub-district, at a regular meeting, shall determine that they desire a tax levied for any of the purposes mentioned in the foregoing section, the director for said sub-district shall, within five days thereafter, certify the same to the township clerk, stating the amount of money desired for each purpose separately.

SEC. 14. The directors of the several sub-districts shall constitute a Board of Directors for the township district, of which Board the township clerk shall be Secretary, but shall have no vote therein.

SEC. 15. The District Board shall hold their regular meetings

on the first Saturday after the first Monday in April and October in each year, and may hold such special and adjourned meetings as occasion may require. They shall organize by electing from their own number, a President and a Treasurer. In the absence of the President the Secretary shall preside.

SEC. 16. The duties of the District Board of Directors shall be as follows:

First—To 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 for such building.

Second—To admit pupils not belonging to the district, and not provided for in section three of this act, to their schools, on such terms as they may agree upon.

Third—To determine the number of schools which shall be established, and the length of time each shall be taught, subject to the provisions of section two of this act.

Fourth—To fix the site for each school house, taking into consideration the wants and necessities of the people of each portion of the district.

Fifth—To establish graded or union schools wherever they may be necessary, and they may as occasion requires, select a person who shall have the general supervision of the schools in their district, subject to rules and regulations of the board.

Sixth—To determine what branches shall be taught in the schools of their district.

Seventh—To require the Secretary and Treasurer each to give bond to the district in such penalty and with such sureties as they may determine upon, conditioned for the faithful performance of their duties under this act. The bond shall be filed with the President of the Board, and in case of breach of condition thereof, he shall bring suit thereon in the name of the district.

Eighth—To fill any vacancy, that may occur in the Board, until the next regular sub-district meeting.

Ninth—They shall, from time to time, examine the accounts of the Treasurer and make settlement with him, and present at each regular meeting of the electors a full statement of the receipts and expenditures of the district, and of all matters delegated to them

to perform, and all such other matters as may be deemed important.

Tenth—To audit and allow all just claims against the District, and to fix the compensation of the Secretary and Treasurer.

Eleventh—To 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 attend school, the branches taught, and such other matters as may be required by the County Superintendent.

Twelfth—They shall at their first regular meeting after the taking effect of this act, divide their district into sub-districts, such as justice, equity and the interests of the people require, and shall designate said sub-districts plainly upon a plat of the district provided for that purpose, and record the same in the district records, and they may at any regular meeting, or at any meeting called for that purpose, change the boundaries of sub-districts as circumstances may require, notice of the same having been given at any previous meeting. They shall cause all such changes to be marked on said map or plat and recorded in the proper book, and in the office of the County Judge, and they shall cause new maps to be made from time to time; *Provided*, That the boundaries of sub-districts shall conform to the lines of Congressional divisions of land.

Thirteenth—They shall apportion any tax for school house purposes, in such manner that the rate per cent levied upon any sub-district which has built a school house unaided by other portions of the district, shall be so much less than the per cent levied on other sub-districts, as justice may require, but the per cent of tax shall be equal on all sub-districts owning no school house property, *Provided*, That the rate shall not exceed five mills on the dollar in any sub-district; and the Board may lessen the amount voted, if necessary, sufficiently to reduce it to that rate.

Fourteenth—They shall, at their regular meeting in April of each year, estimate the per centum of tax on the taxable property of the district, necessary to raise a fund which, with the Teachers' Fund from the County Treasury, as shown by notice from the County Judge, shall be sufficient to support the several schools of the district, for at least the time required by this act, for the current year, which per centum they shall certify to the County

Judge, who shall at the time of levying the taxes for county purposes, levy the per centum of tax thus certified upon the property of the district, which will be collected and paid over as other school district taxes are.

SEC. 17. A majority of the Board shall be a quorum to transact business, but a less number may adjourn from time to time, and no tax for school house purposes shall be levied by the Board unless by a vote of a majority of all the members, nor after the 1st Monday in June, nor shall the boundaries of sub-districts be changed except by a vote of a majority of the board.

DUTIES OF DISTRICT OFFICERS.

SEC. 18. The President, or in his absence, the Secretary shall preside in all meetings of the Board and of the district, shall draw all drafts on the County Treasurer, for money apportioned to the the district, sign all orders on the District Treasury, specifying in the orders the fund on which they are drawn, and the use for which the money is assigned; and he shall sign all contracts.

SEC. 19. The president 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.

SEC. 20. 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, and shall countersign all drafts, warrants and orders drawn by the President.

SEC. 21. 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.

SEC. 22. He shall give ten days previous notice of all regular and special meetings of the district, by posting a written notice in five different 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-dis-

trict, to be read in the presence of the pupils thereof, and such notice shall in all cases, state the hour of meeting.

SEC. 23. Whenever a tax has been voted by any district for purposes in this act specified, the Secretary shall immediately certify the per centum to the County Judge, who shall, at the time of levying the tax for county purposes, levy a tax of the amount thus certified to him upon the assessed value of all the real and personal property in the district, which shall be collected by the County Collector at the same time and in the same manner as State and County taxes are collected; provided, it shall be received only in cash.

SEC. 24. The collector shall, on the 1st Monday of April and September in each year, pay over to the Treasurer of the district the amount of said tax which shall have been collected, and shall render him a statement of the amount uncollected; and the amount unpaid shall be collected at any subsequent time as delinquent county taxes are collected, and shall be paid over when collected, to the Treasurer aforesaid.

SEC. 25. On or before the twentieth day 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 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 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 tax for the erec-

tion of school houses, the amount for teachers fund and other purposes of this act, stating separately the amount of each.

Tenth—The amount of public fund received from the County Treasury, and if any from other sources, stating what, and how much from each, and such other information as he may deem useful.

SEC. 26. 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.

SEC. 27. 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.

SEC. 28. The money collected by district tax for school house purposes, and all contingent expenses, shall be called the "school house fund," and that received for the support of teachers, shall be called the "teachers' fund," and the Treasurer shall keep with each fund, a separate account, and shall pay no order that 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 that fund specified, he shall make partial payment thereon, paying as near as may be, an equal proportion of each warrant.

SEC. 29. He shall receive all money apportioned to the district by the County Judge, and also all money in the County Treasury, collected on the district tax, for his district.

SEC. 30. He shall render a statement of the finances of the district from time to time, as may be required by the board, and his books shall always be open for inspection.

SEC. 31. It shall be the duty of the director in each sub-district, between the first day of August and the fifteenth day of September of each year, to make and keep on record a list of the names of all heads of families in the sub-district, and the number of children in each family between the ages of five and twenty-one years, distinguishing males from females, and to report the same to the Secretary of the township district, on or before the said fifteenth day of September in each year. He shall further report the number of schools in his sub-district, and the branches taught,

the number of pupils and average attendance of the same in each school, the number of teachers and the compensation of each, the text books used, the number of school houses, and the estimated value of each.

SEC. 32. He shall, under such rules and restrictions as the township board may prescribe, negotiate and make in his sub-district all necessary contracts for providing fuel for schools, employing teachers, repairing, building and furnishing school houses, and making all other provisions necessary for the convenience and prosperity of the schools within his sub-district. All contracts made in conformity with the provisions of this section, shall be reported to the township board of directors; and said board, in their corporate capacity, shall be responsible for the performance thereof on the part of the district.

SEC. 33. He shall have power to dismiss any pupils from the schools in his district for gross immorality, or for persistent violation of the regulations of the school, and to re-admit them if he deems it proper so to do, and shall visit the schools in his sub-district at least twice during each term of said school.

SEC. 34. 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 any teacher shall be entitled to a warrant for services.

SEC. 35. He shall collect all taxes and debts due his sub-district, and settle any other business remaining unfinished at the time of organizing under the act entitled "An act for the Public Instruction of the State of Iowa," approved March 12th, 1858, and shall apply all funds that may thus come into his hands, to the specific purpose for which they were designed; but before entering upon the said duties, he shall file with the President of the board of directors, a bond such as is required of the Secretary and Treasurer under this act; but the District Treasurer shall settle with the County Treasurer, and receive from him all moneys due and unpaid, to any sub-district of his district, applying said funds as in this section provided.

SEC. 36. When any tax heretofore levied is still unpaid, the director may, at his option, report the amount due from any individual, or upon any tract of land, to the County Judge, who shall

cause the amounts so due, to be added to the amount standing on the tax list against such individual or tract of land, for the current year. These taxes shall then be collected in the same manner as is pursued in the collection of other county taxes.

SEC. 37. The sub-district may act independent of the district board in the expenditure of any funds belonging to such sub-district, derived from any debts due or tax levied by it previous to its organization under the "Act for the Public Instruction of the State of Iowa," approved March 12th, 1858.

SEC. 38. The County Judge 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 a half mills on the dollar, on the assessed value of all real and personal property within the county, which shall be collected by the county collector at the time and in the same manner as State and county taxes are collected, except that it shall be receivable only in cash.

SEC. 39. On the first Monday of April annually, the County Judge of each county shall apportion said tax, together with the interest of 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, among the several school districts therein, in proportion to the number of persons between five and twenty-one years of age, subject to the provisions of section two of this act. And in order to enable him to make such apportionment, it is hereby made the duty of the several Co. Superintendents to report to their respective County Judges, on the fifth day of October, annually, the number of such persons in each school district in his county.

SEC. 40. The County Judge 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 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.

QUALIFICATIONS AND DUTIES OF TEACHERS.

SEC. 41. *First*—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; and no certificate shall be valid more than one year from the date thereof; 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.

Second—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 and 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.

Third—When scholars reside in different districts, a register shall be kept for each district.

Fourth—The teacher shall, immediately after the close of his school, file in the office of the Secretary of the Board a certified copy of the register aforesaid.

OF THE COUNTY SUPERINTENDENT.

SEC. 42. A County Superintendent of common schools shall be elected in each organized county of this State, whose term of service shall be two years.

SEC. 43. The first election of that officer shall take place on the second Tuesday of October, 1859, at the time and several places of electing the township boards, and at the general election on every two years thereafter; and the election returns to be made in the same manner as for other county officers. The present incumbents who have been elected under the act of March 12th, 1858, shall serve in that capacity until their successors are elected and qualified; but the rate of their compensation after the taking effect of this act, shall be as hereinafter provided.

SEC. 44. Within twenty days after his election, he shall take and subscribe his oath of office. On his failure to do so, or if for

any other cause there be a vacancy in said office, the County Judge shall appoint a person to fill such vacancy, who shall qualify in like manner, and who shall hold his office till the first general election thereafter.

SEC. 45. The County Superintendent shall examine all persons who shall present themselves at the proper time and place, as to their competency and ability to teach orthography, reading, writing, arithmetic, geography and English grammar, and such other branches as may be required hereafter. In making this examination he may, at his option, call to his aid one or more assistants.

SEC. 46. If the examination is satisfactory, and if the applicant is shown to be of good moral character, he shall receive a certificate accordingly. The names of all those receiving such certificates, and of all those rejected, shall be entered on a register kept by the County Superintendant at the date at which they were given.

SEC. 47. The County Superintendent shall, on the last Saturday of every month, meet all those who are desirous of passing an examination, and for the transaction of all other business within his jurisdiction, in some suitable room at the seat of justice of the county, or at any other place, as occasion may require, and shall notify the County Judge of the place of meeting. If an applicant desires an examination at any other time, he shall be required to pay the Superintendent one dollar, before the examination is commenced, unless he presented himself at the regular day fixed in this section, and was unable from no fault of his own to obtain an examination, in which case no fee shall be required of him.

SEC. 48. 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.

SEC. 49. The Superintendant 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. And the Board of Directors upon sufficient cause shown, may expel any teacher from school in the district.

SEC. 50. On or before the 5th day of October in each year, he shall make a report to the Secretary of the Board of Education

containing a digest of the reports made to him by the Secretaries of the several township boards, and such other matters as he shall be directed to report by the said Secretary, and such as he himself may think pertinent and material, and especially such as will show the condition of the schools under his charge. He shall also suggest such improvements in the system as he may think judicious. He shall also, by the fifth day of October in each year, file with the County Judge an abstract of the number of youths between the ages of five and twenty-one years residing in each township and school district within his county.

SEC. 51. 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.

SEC. 52. 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, and he shall entertain and decide all appeals taken from decisions of district boards.

SEC. 53. The County Superintendent shall receive from the County Treasury the sum of two dollars for every day necessarily engaged in official service; but before he shall be entitled to receive such compensation, he shall file in the office of the County Judge a sworn statement of the correctness of his account together with the account itself; *Provided*, That he shall not receive a greater compensation than one-half the salary, fixed by law, of the clerk of the District Court of the County in which the Superintendent resides.

GENERAL PROVISIONS.

SEC. 54. In townships comprising but one sub-district, three members of the District Board of Directors shall be elected in manner as provided in section nine of this act for the election of one member. The persons so elected, together with the township clerk, shall constitute the township board, with like powers and duties as herein provided for the board of other townships.

SEC. 55. If at any time the office of Secretary becomes vacant by resignation or otherwise, the board shall appoint one of their own number to fill such vacancy.

SEC. 56. A school month shall consist of four weeks, of five school days each.

SEC. 57. Any officer whose term of office is prescribed by this act, shall continue in office until his successor is elected and qualified.

SEC. 58. 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, this 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.

SEC. 59. When any officer is superseded by election, or otherwise, he shall immediately deliver to his successor in office, all books, papers, and moneys pertaining to his office, taking a receipt therefor; and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers, or any part thereof, shall be liable to a fine of not less than fifty, nor more than two hundred and fifty dollars, at the discretion of the court.

SEC. 60. All fines and penalties collected from a 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 township board, shall belong to the township, and those collected from county officers, to the county. In the two former cases, suit shall be brought in the name of the township board; in the latter, in the name of the county, and by the district prosecutor. The amount of each case, shall be added to the fund next to be applied by the recipient, for the use of common schools.

SEC. 61. Unorganized counties shall be regarded for the purposes of this act, the same as though they formed a part of the organized counties to which they are respectively attached.

SEC. 62. The Secretary of the Board of Education may make all needful rules and regulations to give efficiency to this law. And should any defect be discovered therein while this Board is not in

session, which is evidently the result of oversight, and which in his opinion is detrimental to the efficiency of the law, he may supply such defect by a regulation having the force of law, until the matter can be acted on by this Board. In such cases he must report the fact and the reasons thereof to the Board at its next meeting. He may also make regulations fixing the powers and duties of any subordinate officer or board, when those duties are not sufficiently defined herein, making a like report thereof as is above required.

SEC. 63. 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 12, 1858, and formed of a part 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 at that time constituted, shall be and remain a sub-district in, and form a part of the township district 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 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 the provisions of this section shall not apply to incorporated cities and villages containing one thousand inhabitants, or more; and the board of directors shall, at their regular meeting in April next after the passage of this act, divide their districts in accordance with the provisions of this section, and should a vacancy be caused thereby in the office of director in any such sub-district, the Secretary shall, as soon as practicable, call a special meeting of the electors therein, to fill such vacancy.

SEC. 64. Nothing in this act shall be so construed as to give the township board of directors jurisdiction over any territory included within the limits of any city or incorporated village, with the territory annexed thereto for school purposes, which has organized separately as a school district under any other act of this Board.

[The following sections are not in force.]

SEC. 65. If adequate provision has not been made by the township district for school house purposes, or the payment of debts in any sub-district, the sub-director may, and shall, at the written

request of one-fourth of the electors in his sub-district, call a meeting of electors of his sub district; said meeting to be held on the second Monday in July, and to be organized as at the regular meeting in March.

SEC. 66. He shall give at least ten days notice of any meeting so called, by causing said notice to be read in the presence of each school taught in his sub-district, if during term time, or if no school be in operation, then by posting written notices of said meeting in at least three conspicuous public places in his sub-district.

SEC. 67. The electors of such sub-district, when assembled at such called meeting, may determine whether they desire a tax levied upon the property of said sub-district.

First—For the payment of debts against said sub-district contracted before the organization under an act "for the public instruction of the State of Iowa, approved March 12th, 1858, or

Second—For the erection, completion, repairing or furnishing a school house or houses in said sub-district, or for purchasing, leasing, enclosing or improving grounds for the same, provided that no tax shall be voted of more than one per cent on the taxable property of the district in any one year, nor shall any tax for school house purposes be voted, unless the electors and board of directors of the township district have refused or neglected to vote a tax for said purpose after being requested by the sub-district at its regular meeting in March, so to do as provided in section thirteen of this act. Nor shall any tax be voted except by a vote of two-thirds of the electors present, or a majority of all the electors of the sub-district.

SEC. 68. Whenever any tax has been voted by a sub-district, as provided for in the preceding section of this act, the sub-director shall, within ten days thereafter, certify the same to the Secretary of the townships district, together with a list of all property owners, residents of his sub-district, and the Secretary shall, within twenty days thereafter, estimate the tax upon the taxable property of said sub-district, as shown by the last assessment previous to that time, and shall make a list of such tax and certify the same to the proper authority for levying county taxes; and for such services he shall receive the sum of two dollars per day, which shall be paid out of the proceeds of said tax.

SEC. 69. No action shall be obligatory under the provisions of

section sixty-five, sixty-six, sixty-seven and sixty-eight of this act, until the General Assembly shall provide for and authorize the collection of the taxes therein mentioned.

SEC. 70. All money arising from taxes voted by a sub-district, shall, when collected, be paid over to the Treasurer of the township district on the order of the sub-director of the district voting the same, and shall be paid out only on the order of the President, countersigned by the Secretary and Sub-Director of said district.

ORAN FAVILLE,

President of the Board of Education.

December 24th, 1859.

STATE OF IOWA—SS:

I, Thomas H. Benton, Jr., Secretary of the Board of Education of the State of Iowa, do hereby certify that the foregoing Act is truly copied from the original rolls on file in my office.

In testimony whereof, I have hereunto subscribed my name, at the City of Des Moines, this 4th day of January, A. D. 1860.

THOMAS H. BENTON, JR.,

Secretary of the Board of Education.

NOTE.—As the Legislature may not take definite action on the School Law for some weeks to come, and as there will necessarily be some delay in preparing a regular pamphlet edition of the various acts of the Board of Education, after such action is had, I have thought proper to publish the foregoing act and comments in this *temporary* form, with the view of relieving as far as possible the embarrassments under which the various school officers are laboring for want of it. The regular edition will be prepared as soon as possible after the adjournment of the General Assembly.