

## TITLE XIV.

## OF EDUCATION.

## CHAPTER 84.

## THE STATE UNIVERSITY.

[Code—Chapter 65 ]

## ARTICLE 1.

An Act for the Government and Regulation of the State University of Iowa.

[Passed Dec. 25, 1858; Laws of Board of Education.]

- Object of state university.** SECTION 1926. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That the object of the state university of Iowa, established by the constitution at Iowa City, shall be to provide the best and most efficient means of imparting to the youth of the state, of both sexes, upon equal terms, a thorough education and a perfect knowledge of the different branches of literature, the arts and sciences, with their various applications.
- Collegiate department.** SEC. 1927. (2.) There shall be attached to the university a collegiate department, in which, as soon as may be deemed expedient by the board of trustees hereinafter provided, regular college classes shall be formed or provided for, and a president and the necessary professors and tutors elected. There shall also be a normal department to the university, in which shall be taught the theory and practice of teaching, and everything which enters into it as an art, including all the most approved methods and processes now in use in all the varieties of teaching.
- Normal department**
- Board of trustees.** SEC. 1928. (3.) The university shall be governed and managed by a board of trustees consisting of seven persons, to be elected at the first meeting of the board of education, three of whom shall hold their offices for one year, and four for three years, and whenever the terms of any trustees expire, their places shall be supplied by new elections.
- Term of office.**
- Per diem and mileage** SEC. 1929. (4.) The members of the board of trustees shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the general assembly.
- Control.** SEC. 1930. (5.) The university shall never be under the exclusive control of any religious denomination whatever.
- Specimens, property of state university.** SEC. 1931. (6.) In all cases where specimens of natural history, and geological and mineralogical specimens which are or may be hereafter collected by the state geologist of Iowa, or by any others appointed by the state to investigate its natural history and physical resources, are found, they shall belong to and be the property of the state university, and shall form a part of its cabinet of natural history.
- Officers to be appointed by board of trustees** SEC. 1932. (7.) The board of trustees shall appoint a secretary, a treasurer and librarian, and a curator of the cabinet of natural history, who shall hold their respective offices during the pleasure of the board

16. An act relating to the school fund of the state, passed Dec. 22, took effect (?) 6th sess., chap. 10, p. 8.

17. An act providing for the distribution of the five per cent. fund, passed Jan. 28, took effect Feb. 12, 1857; 6th sess., chap. 201, p. 324.

18. An act providing for the management of the school fund and sale of the school lands, passed March 23, took effect April 7, 1858; 7th sess., chap. 158, p. 391.

As to pre-emption of school lands, see chapter 156 of 7th session, and chapter 16 of 8th session.

## CHAPTER 87.

### SECRETARY OF BOARD OF EDUCATION.

An Act to provide for the Election and to define the Duties of the Secretary of the Board of Education.

[Passed Dec. 24, 1858; *Laws of Board of Education.*]

- SECTION 2000.** (1.) *Be it enacted by the Board of Education of the State of Iowa,* That at each regular meeting of the board, there shall be elected a secretary of said board, who shall hold his office until his successor is elected and qualified.
- SEC. 2001.** (2.) He shall, before entering upon the duties of his office, and as soon as may be after his election, give bond for the use of the state of Iowa, in the penal sum of one thousand dollars, with sufficient sureties to be approved by the secretary of state, conditioned for the faithful and impartial performance of the duties of his office, as secretary of the board of education.
- SEC. 2002.** (3.) He shall also, at the time of giving bond, take and subscribe an oath, or make affirmation to the effect that he will support the constitution of the United States and of the state of Iowa, and to the best of his ability, faithfully and impartially perform the duties of secretary, which oath shall be indorsed upon the back of said bond, which shall be filed with, and preserved by the secretary of state.
- SEC. 2003.** (4.) It shall be the duty of the secretary to keep an accurate journal of the proceedings of the board, and to perform all other duties required of him by the board, or by the laws of this state.
- SEC. 2004.** (5.) Immediately after the adjournment of the board of education, he shall furnish the printer authorized to print the laws, with copies of the acts and resolutions passed at the session, and cause them to be printed in a plain manner in the form of a pamphlet.
- SEC. 2005.** (6.) He shall make his certificate that the acts and resolutions therein contained are truly copied from the original rolls, and cause the same to be printed at the end of each volume, which shall be *prima facie* evidence of their correctness.
- SEC. 2006.** (7.) He shall, as near as may be, in the same manner as provided in the two preceding sections of this act, have the journals printed.
- SEC. 2007.** (8.) He shall, on or before the first day of March, after the acts, resolutions and journals, and such documents as may be required by law, are printed, after the adjournment of any session of the board, transmit to each superintendent of common schools in each organized county in this state, one copy of the laws for every school officer in the county.
- SEC. 2008.** (9.) He shall preserve in his office one hundred copies

Secretary of  
board of educa-  
tion.

Must give bond.

To take oath

His duties.

Must furnish  
printer with acts  
and resolutions  
of board of educa-  
tion.

Certificate.

Have journals  
printed.

When printed  
must distribute  
the laws to  
school officers.

Copies to be pre-  
served.

report to the auditor of state the number of persons in each county of the state between the ages of five and twenty-one years.

Report to general assembly and board of education.

SEC. 2018. (19.) He shall make a report to the general assembly and the board of education, at each session thereof, which shall embrace,

1. A statement of the condition of the common schools of the state, and shall contain the number of common school districts therein, the number of schools in the state, the number of scholars between five and twenty-one years of age, and also the number in each county who have attended school the previous year, as returned by the several county superintendents, the number of books in the district libraries, and the value of all apparatus in the schools.

2. Such plans as he may have matured for the management and improvement of the common school fund, and for the better and more perfect organization and efficiency of common schools.

3. All such matters and things relating to his office and to the common schools, as he shall deem expedient to communicate.

4. He shall cause his report to be printed, and shall present five hundred copies thereof to each body, on or before the second day of their session, for distribution.

Salary

SEC. 2019. (20.) He shall receive annually, the sum of one thousand five hundred dollars, as compensation for the duties required under this act, and also all necessary contingent expenses for traveling, and clerk hire, pertaining to his office to be audited and paid as the salaries and contingent expenses of other state officers: *provided*, that his contingent expenses for these purposes shall not exceed the sum of seven hundred and fifty dollars in any one year.\* And he shall, within twenty days after his election take possession of the books, papers, and effects belonging to the department of the superintendent of public instruction, which office is hereby abolished.

Proviso.

Teachers' institute.

SEC. 2020. (21.) Whenever reasonable assurance shall be given by the county superintendent of any county, to the secretary of the board of education, that a number of not less than thirty teachers desire to assemble for the purpose of holding a teachers' institute in said county, to remain in session for a period of not less than six working days, he shall appoint such time and place for said meeting, and such lectures as the said teachers shall suggest, and shall give due notice thereof, and for the purpose of defraying the expenses of said institutes there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum not exceeding fifty dollars annually for one such institute in each county held as aforesaid, which the said secretary shall immediately transmit to the county superintendent in whose county the institute shall be held, who shall pay out the same as the institute shall direct.

Appropriation.

[The matter of this section was passed, March 28, 1860; laws of eighth general assembly, chapter 66, see Part 15th of Educational laws.]

Vacancy.

SEC. 2021. (22.) Should any vacancy occur at any time in the office of the secretary of the board of education while the board is not in session, the governor shall, by appointment, fill such vacancy until the next session of the board.

**PRIOR LAWS.** 1. An act to create the office of superintendent of public instruction, passed Jan. 13, took effect Feb. 13, 1841; I. T., 3d sess., chap. 46, p. 37. Repealed by No. 2 hereof.

2. An act to repeal same, passed Feb. 17, took effect March 17, 1842; I. T., 4th sess., chap. 108, p. 93; also Reprint, 1843, p. 601.

3. An act on common schools, Jan. 24, 1847? 1st sess., chap. 99, p. 127.

\* See section 7 of chapter 135 of 8th sess. on p. 102 of special laws of 8th sess.

CHAPTER 88.

COMMON SCHOOLS.

ARTICLE 1.

An Act to amend an Act, entitled "An Act to provide a system of Common Schools."

[Passed Dec. 24, 1859, took effect March 1, 1869; Laws of Board of Education of the Second Session.]

SECTION 2022. (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 :

Act of 1853 amended.

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 the provisions hereinafter made :

Civil townships made school districts.

SEC. 2023. (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.

Sub-districts.

SEC. 2024. (3.) Scholars residing in one district may attend school in another, in the same or 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.

Scholars living in one county may attend school in adjoining county by consent of directors.

SEC. 2025. (4.) Any township in an unorganized county shall be for the purposes of this act regarded as a portion of the county to which its county is attached for revenue purposes.

Township in unorganized county, how regarded.

SEC. 2026. (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.

School district a body corporate.

May hold property, &c.

*District Township Meetings.*

SEC. 2027. (6.) 1. Each township district shall hold regular meetings annually, on the second Monday in March.

Meetings.

2. 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.

Notice to be given of time of meeting.

Proviso.

SEC. 2028. (7.) The electors of a district, when legally assembled at a district school meeting, shall have the following powers, viz.:

Powers of electors.

1. To appoint a chairman and secretary, in the absence of the regular officers.
2. To adjourn from time to time as occasion may require.
3. 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 defray 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.
4. 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.
5. To provide for the payment of any debts contracted for school-houses or school purposes.
6. To delegate all the powers contained in the foregoing specifications to the district board of directors.
7. To determine the branches to be taught and the text-books to be used in the schools of their district, which power they may also delegate to the district board of directors. [This 7th subdivision was passed April 2, 1860; laws of eighth general assembly, chapter 139.]
- SEC. 2029. (8.) At the meeting of the township districts, the chairman shall submit the questions coming before the electors, in the following order: 1. The levy of a tax for the payment of debts for school-house purposes. 2. For payment of officers and miscellaneous contingent expenses. 3. For paying amounts asked for by the several sub-districts, for each purpose separately. 4. For payment of teachers. 5. For purchase of libraries, fuel, apparatus, &c. 6. For the delegation of power to the board of directors. 7. Other matters necessary or proper to be acted upon.
- SEC. 2030. (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. 2031. (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. 2032. (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. 2033. (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.

May levy tax for purchase or lease of site for school-house, &c.

Proviso.

May direct the sale of property belonging to the district, &c.

Payment of debts provided for.

Delegate powers to district board of directors.

Further power which may also be delegated.

Order of submission of questions to electors.

Tax, and for what purpose.

Director of sub-district elected annually.

Five days' notice of meeting.

Certificate of election.

Take oath.

Penalty for failure to qualify.

Tax.

ARTICLE 3.

An Act to amend 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."

[Passed April 3, 1860, took effect July 4, 1860; Laws of Eighth General Assembly, Chapter 149.]

SECTION 2095. (1.) *Be it enacted by the General Assembly of the State of Iowa,* That 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.

Judgment to be paid off by board of directors by order on treasurer of the district.

SEC. 2096. (2.) In case a district has borrowed money of the school fund as contemplated in section eight of "an act to establish 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.\*

Money borrowed of school fund by district, how annual interest is to be paid.

ARTICLE 4.

An Act to confer certain powers on Towns and Cities for School Purposes.

[Passed December 24, 1858; Laws of Board of Education.]

SECTION 2097. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That any city or incorporated town in this state, including the territory annexed thereto for school purposes, may constitute a separate school district.†

Separate school district.

SEC. 2098. (2.) At the written request of any ten voters of such city or town, the municipal authorities thereof shall provide for taking the sense of the people residing within the limits of the contemplated district, by means of a public vote by ballot.

By request, vote to be taken.

SEC. 2099. (3.) Should the majority of the votes cast at any such election be in favor of a separate organization, an early day shall be fixed for electing by ballot, a president, vice president, secretary, treasurer and three directors, all of whom shall constitute a district board, having the same general powers, duties and obligations as attach to the like board in the township districts, except as herein provided. The said president, vice president, secretary and treasurer, shall hold their offices for the same time, and after the first election their successors shall be elected upon the same day and shall conform in other respects to the same rules and requirements as are provided by law for the same officers in the township districts.

Officers to constitute a district board to be elected by ballot.

Term of office the same.

How successors to be elected.

SEC. 2100. (4.) After the first election, the directors shall, by lot, determine the length of their respective terms of office; one shall serve till the second Monday in March next after his election; another till one year after the said second Monday in March; and a third till two

After first election terms of office to be decided by lot.

\* The word "loan" of this section is "law" in the archives.

† See section 2105.

ARTICLE 5.

An Act to provide for the authentication and taking effect of the Laws passed by the Board of Education.

[Passed December 15, 1858, took effect March 1, 1859; Laws of Board of Education.]

SECTION 2115. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That all acts passed by this board shall before they become laws, be correctly enrolled and signed by the presiding officer of this body. Acts of board to be enrolled and signed by the president.

SEC. 2116. (2.) That a printed certificate of the secretary of this board shall be appended to the pamphlet containing a copy of the laws of any session, stating that the acts therein contained have been by him compared with the original statutes as passed by this board, and such certificate shall be sufficient evidence of the correctness of those laws to render them receivable as genuine in all cases whatever. Secretary's certificate.

SEC. 2117. (3.) That when not otherwise expressly provided, the laws passed at any general session of this board shall take effect on the first day of March next after the date of their enactment. Take effect

ARTICLE 6.

An Act providing for the Boundaries of Districts in certain cases.

[Passed December 24, 1859; Laws of Board of Education.]

SECTION 2118. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That in all cases where that portion of any sub-district lying in a different civil township from the one in which the school-house of such sub-district is situated shall be entirely uninhabited, then and in that case said uninhabited portion of such sub-district shall make and constitute a part of the school district of the civil township in which it is situated. Uninhabited part of such district to make a part of school district in which school-house is situated

ARTICLE 7.

An Act prohibiting the exclusion of the Bible from the Schools of the State.

[Passed December 22, 1858; Laws of the Board of Education]

SECTION 2119. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That the Bible shall not be excluded from any school or institution in this state, under the control of the board, nor shall any pupil be required to read it contrary to the wishes of his parent or guardian. Bible not to be excluded.

ARTICLE 8.

An Act to provide for the purchase of School District Libraries.

[Passed December 18, 1858; Laws of Board of Education]

SECTION 2120. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That the temporary school funds belonging to each county in this state shall be apportioned separately by the county judge at the time of apportioning other school funds among the several districts in each county, in proportion to the number of persons residing in such district between the ages of five and twenty-one years. School funds, how apportioned

SEC. 2121. (2.) The board of directors shall, at their regular meet- How appropriated.

ing in April of each year, determine whether the amount so received shall be appropriated to the purchase of a district library, and if not so appropriated, the same shall form a part of the teacher's fund of said district.

Secretary *ex officio* librarian.

SEC. 2122. (3.) The secretary of each district shall be *ex officio* librarian, and shall purchase books and perform all other duties pertaining to that office, under the direction of the township board.

ARTICLE 9.

An Act relative to the introduction of Webster's Dictionary into the Common Schools of this State.

*Passed December 24, 1858, took effect March 1, 1859; Laws of Board of Education.]\**

Webster's unabridged dictionary

SECTION 2123. (1.) *Be it enacted by the Board of Education of the State of Iowa,* That the board of directors of each school district in this state may, at any regular or special meeting of said board, determine whether they will purchase for the use of the schools in their district, copies of Webster's unabridged dictionary.

Same.

SEC. 2124. (2.) Whenever the sub-director of any sub-district shall determine to purchase a copy of said dictionary for said sub-district, the secretary of the district shall immediately certify the same, specifying the number of copies determined upon, to the county superintendent, who shall certify the same to the auditor of state and to the county judge.

Cost of dictionaries to be deducted from county tax apportioned to each district.

SEC. 2125. (3.) At the time of each annual apportionment by the county judge, of school funds among the several districts, he shall deduct from the amount of funds derived from county tax apportioned to each district \* \* \* the cost of all such dictionaries ordered by said district that \* \* \* year, and the amount so deducted shall be returned to the state treasury as provided for surplus interest in section eight, chapter one hundred and fifty-eight, laws of 1858.

Auditor of state to purchase dictionaries for counties.

SEC. 2126. (4.) The auditor of state is hereby authorized and directed to purchase of the publishers, from time to time, as they are ordered for the several counties, the number of such books necessary to supply all orders so received, provided that they shall be purchased at a cost not exceeding four dollars per copy, on such terms of payment as are specified in section three of this act, and shall be the latest edition of Webster's quarto unabridged, printed on superior paper, well bound in leather, perfect in all respects, and shall be delivered free of charges at any points in this state \* \* \* which may be designated by the auditor, and the auditor shall notify the state treasurer of the number of books so purchased for each county.

Cost not to exceed \$4.

Secretary to receipt for books.

SEC. 2127. (5.) The secretary of the board of education shall receipt to the publishers for such books on their arrival in good order at the place or places designated by the auditor, and shall immediately distribute them to the several county superintendents by whom they were ordered, in the same manner as laws of the general assembly are distributed.

Books to be distributed.

SEC. 2128. (6.) The county superintendents shall, on receipt of such books, at once distribute them to the proper districts.

Dictionaries under control of teachers.

SEC. 2129. (7.) Such dictionaries shall be kept in the schools

\* The erasures and additions of this act were made by the act of the board of education, of December 24, 1859, an act to amend an act entitled an act relative to the introduction of Webster's dictionary into the common schools of this state, which took effect March 1, 1860.