

SEC. 15. Power of collector to sell personal estate, etc.—notice of assessment to be published, etc.—real estate sold may be redeemed. The said collector shall have power to sell personal estate, and for want thereof to sell real estate, for the non-payment of taxes within said town; but no real estate shall be sold by reason of the non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified in some public newspaper printed in this territory, once each week for at least six weeks before the day when said taxes are payable, nor unless the intended sale thereof be duly notified by posting up three written notices of such sale, in three of the most public places in said town, for at least ten days before the day of such sale; nor unless such assessment and proceedings thereon be regular and in all things conformable to the provisions of this act. And, moreover, all such real estate so sold may be redeemed in same manner, and within the same period of time, as is or may be provided by law in case of real estate sold for any county tax.

SEC. 16. Power to repeal, etc., reserved. This act may be altered, amended or repealed, by any future legislature of this territory, whenever a majority of the citizens of the said town of Farmington shall petition for the same.

Approved January 11, 1841.

[37] CHAPTER 45.

AN ACT to amend an act entitled, "An act additional and supplementary to and for the benefit of settlers, etc., on the Half Breed Lands," etc., passed the present session.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Previous act amended—provisions of law extended to such as paid taxes last year. That the provisions of an act approved at this session of the legislative assembly, supplementary to an act for the benefit of settlers on the Half Breed Lands, approved December 6, 1839, be and is hereby so far amended that the settlers on said Half Breed lands who paid taxes last year on his claim, have all the rights and advantages under such previous tax title that are secured to him on taxes to be hereafter paid, as provided for in said supplement.

Approved January 13, 1841.

CHAPTER 46.

AN ACT to create the office of Superintendent of Public Instruction.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Governor to appoint superintendent—term three years—bonds—oath to be taken. That there shall be appointed by the governor of the territory, by and with the advice and consent of the council, a superintendent of public instruction, who shall hold his office for the term of three years; and shall, previous to entering upon the duties of his office, give bond to the territory in the sum of two thousand dollars, with three or more sufficient securities, to be approved of by the secretary of the territory, conditional for the faithful discharge of the duties of his office, and shall also take an oath in the following form before one of the judges of the supreme court: "I, A B, do

solemnly swear (or affirm) that I will faithfully and honestly execute the duties appertaining to the office of superintendent of public instruction of the territory of Iowa; I will not, on any occasion or pretense, apply, otherwise than according to law, any moneys, securities or effects, which shall come into my hands as superintendent of public instruction of the territory of Iowa."

SEC. 2. Superintendent to submit annual report. It shall be the duty of the superintendent of public instruction to submit to the legislature an annual report, exhibiting the condition of primary school funds; also, of the primary schools, [38] and all such matters relating to his office and the public schools as he may think proper to communicate.

SEC. 3. Further duties of superintendent. He shall prepare suitable forms for making all reports which may be required of the districts, townships, boards, and suitable regulations for conducting all proceedings under the laws relating to public instruction; and transmit the same with such instructions as he may deem proper for the organization and government of the public schools, with such directions as to the course of studies as he may judge advisable, to the several officers entrusted with their management and care.

SEC. 4. School fund to be apportioned, etc. He shall apportion the income of the school fund among the several townships and cities of the territory, in proportion to the number in each between the ages of five and twenty-one years.

SEC. 5. Of superintendent, auditor, and treasurer of territory. The superintendent shall prepare, annually, a table of the amounts in the aggregate, payable to the several counties of the territory, and present the same to the auditor of the territory, who shall thereupon issue his warrant upon the treasurer of the territory, for the amount payable to the several counties, and direct the same to the treasurer of their respective counties.

SEC. 6. County clerks to be informed of amount to be disbursed, etc.—salary, \$250. He shall send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the different townships thereof; such notices to be disposed of by said clerks as directed in the forty-fourth section of "An act to establish a system of common schools," approved January 16, 1840. He shall use every exertion to effect an immediate organization of the primary school system, in accordance with the laws of this territory. The superintendent shall receive for his services the sum of two hundred and fifty dollars per annum, payable quarterly, out of any moneys in the treasury not otherwise appropriated.

Approved January 13, 1841.

CHAPTER 47.

AN ACT to amend an act regulating conveyances.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Of deeds, etc., executed in other territories, etc.—deeds, conveyances, etc., valid—to be recorded. That all deeds and conveyances of lands, tenements, or hereditaments, situated, lying, and being within this territory, which shall hereafter be made and executed in any other territory, state or country, whereby such lands, tenements, or hereditaments, shall be conveyed, in whole or in part, or otherwise affected or incumbered, in law, may be acknowledged, proved and certified, according to, and in conformity with, the laws and usages of the territory, state, or country, in which such deeds or