

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

conveyances were acknowledged or proved, or in which they [39] shall be acknowledged or proved; and all such deeds and conveyances are hereby declared effectual and valid, in law, to all intents and purposes, as though the same acknowledgment had been taken, or proof of execution made, within this territory, or in pursuance of the laws thereof; and such deeds and conveyances so acknowledged or proved as aforesaid, may be admitted to be, and shall be, recorded in the respective counties in which such lands, tenements or hereditaments, do or may lie.

**SEC. 2. Of deeds, etc., heretofore executed in other states, etc.** That all deeds and conveyances of lands, tenements and hereditaments, situate, lying, and being within this territory, which have been acknowledged or proved within any other territory, state or country, according to and in compliance with the laws and usages of such territory, state or country, and which deeds or conveyances have been recorded within this territory, be and the same are hereby confirmed and declared effectual and valid, in law, to all intents and purposes, as though the said deeds or conveyances so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved within this territory.

**SEC. 3. Prima facie evidence.** The execution and delivery of any deed of conveyance of any lands, tenements or hereditaments, in any court of law or equity in this territory, shall be considered prima facie evidence of its execution and delivery; and the party denying the same, his agent or attorney, shall deny the same by his oath or affidavit, when the party introducing such deed shall prove the execution and delivery as in other cases.

Approved January 13, 1841.

## CHAPTER 48.

AN ACT to establish a territorial road from Burlington to the mouth of the Des Moines river.

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

**SECTION 1. Commissioners—route of road—proviso—discretion vested in commissioners.** That John Hillis, William Wilson, of the county of Lee, and John C. Fletcher, of the county of Des Moines, be and they are hereby appointed commissioners to locate and mark a territorial road from Burlington on the nearest and best route to Loyd's ford; thence to Fort Madison; thence to Montrose; thence to Keokuk; and thence to the mouth of the Des Moines river: provided, said commissioners shall, in all instances, choose the nearest and best routes between the several points specified; and if they shall find, upon a careful examination, that Loyd's ford is not a suitable place for the road to cross, they may select one more convenient and suitable; and if they shall find the mouth of the Des Moines river not to be a proper point, in consequence of low [40] and marshy lands, they shall terminate the road as near to its mouth as a proper place can be ascertained.

**SEC. 2. Meeting of commissioners, etc.** The commissioners aforesaid, or any two of them, shall meet at Fort Madison on the first Monday in February next, to proceed to the discharge of their duties, and may adjourn from day to day as circumstances shall require; and in case said commissioners, or any two of them, shall fail to meet on the day appointed, then the sheriff of Lee county is hereby authorized and required, on the application of any of said commissioners, either written or verbal, to notify, in writing, said commissioners, of