

## CHAPTER 79.

## SUPREME COURT.

AN ACT to amend "An act to re-organize the supreme court," approved January 22, 1848.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Appeals, etc., from fifth district taken to Ottumwa.** That all cases of appeals, or writs of error, from the fifth judicial district, shall be taken to the supreme court at Ottumwa, in the third judicial district.

Approved, January 15, 1849.

## [95] CHAPTER 80.

## COMMON SCHOOLS.

AN ACT to establish a system of common schools.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Superintendent of public instruction to be elected.** That at the township election on the first Monday in April, A. D. 1851, and triennially thereafter, there shall be elected a superintendent of public instruction, who shall hold his office for three years, and until his successor is duly elected and qualified.

**SEC. 2. Take oath and give bond—bond, where filed and may be sued on.** Before entering upon his duties he shall take and subscribe the usual oath of office, and shall also execute a bond in the penalty of twenty-five thousand dollars, payable to the state of Iowa, with securities to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys which may come into his hands by virtue of his office. Said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

**SEC. 3. Duty of superintendent.** It shall be his duty to keep an office at the seat of government, and to file all papers, reports, and public documents transmitted to him by the school officers of the several counties, each year separately, and hold the same in readiness to be exhibited to the governor or to any committees of either house of the general assembly, and shall keep a fair record of all matters pertaining to the business of his office.

**SEC. 4. Pay over moneys.** He shall, without delay, pay over all sums of money which may come into his hands, by virtue of his office, to the officer or officers authorized to receive the same, in such manner as may be prescribed by law.

**SEC. 5. Apportion interest of permanent fund, and duties relative thereto.** On the twenty-fifth day of January of each year he shall apportion among the several counties of the state, the interest of the permanent school fund which shall have accrued up to the first day of January aforesaid, and shall immediately transmit to the school fund commissioner a statement of the amount