

the sum of two hundred and eighty-two dollars to be paid to the janitor and paper-folders of the Senate under the resolution of the Senate adopted on the 11th day of April, 1870.

Approved, April 14, 1870.

CHAPTER 124.

SCHOOL-HOUSE SITES.

AN ACT to Empower School-Boards to procure School-House Sites. APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful for any school-board in this State, whether of district-township or independent district, heretofore organized, or that may hereafter be organized under the laws of this State, to take and hold, under the provisions contained in this act, so much real estate as may be necessary for the location and construction of a school-house, and convenient use of the school: *Provided,* That the real-estate so taken, otherwise than by the consent of the owner or owners, shall not exceed one acre: *And provided further,* That grounds appropriated to orchards, gardens, and public parks shall be excluded from the provisions of this act: *And provided further,* that all sites shall be selected on some public road, and not within twenty rods of any residence, without the consent of the owner, except in case of independent districts.

School-boards may take sites for school-houses;

not to exceed one acre;

not to be in orchards, gardens, or public parks; to be on road;

and in district tps. not within 20 rods of residence, without consent.

SEC. 2. Such school-board may take and hold real estate for school-house purposes, for a price to be agreed upon with the owners thereof, or the damages to be paid by such school-board for any real estate taken as aforesaid, when not agreed upon, shall be ascertained and determined by appraisers to be appointed by the county superintendent of the county where such real estate is situated, in conformity with the provisions of this act.

Price may be agreed upon;

or to be determined by appraisers.

SEC. 3. If the owner of any real estate, on which said school-board may desire to locate a school-house, refuses or neglects to grant the site on his or her premises, or, if such owner cannot be found, the county superintendent of the county in which said real estate may be situated, shall, upon application of either party, appoint three disinter-

If owner refuses to grant, or cannot be found, co. supt. to appoint appraisers.

Duty of appraisers. ested persons of said county, unless a smaller number is agreed upon by the parties, whose duty it shall be, after taking an oath or affirmation, to faithfully and impartially discharge the duties imposed on them by this act, to inspect said real estate, and assess the damages which said owners will sustain by the appropriation of his or her land for the use of said house and school, (said county superintendent giving to the owner of such real estate the same notice as is required for the commencement of a suit at law in the district court of Iowa, of the time of such assessment of damages,) and make a report in writing to the county superintendent of said county, (giving the amount of damage, description of land, and exact location,) who shall file and preserve the same in his office. If said school-board shall, at any time before they enter upon said land for the purpose of building or constructing said house, deposit with the county treasurer, for the use of said owner, the sum so assessed as aforesaid, they shall be thereby authorized to build or construct said house, and maintain their right to said premises: *Provided*, That either party may have the right to appeal from such assessment of damages, to the circuit court of the county where such real estate is situated, within twenty days after receiving notice that such assessment is made, which appeal shall be final; but such appeal shall not delay the prosecution of work upon said house if said school-board shall first pay, or deposit with the county treasurer, the amount so assessed by such appraisers, and in no case shall said school-board be liable for costs on appeal, unless the owner of said real estate shall be adjudged a greater amount of damages than was awarded by said appraisers. The school-board shall in all cases pay costs of the first assessment.

Co. supt. to notify owner.

Appraisers to report to supt.

School-board authorized to build, when.

Appeal to circuit court; same final; not to delay work, if, etc.

Board not liable to costs on appeal, etc.

Board to pay costs of first assessment.

Title for school purposes only; to revert, when.

Taking effect.

SEC. 4. The title acquired by said school-districts in and to said real property, shall be for school-purposes only, and, in case the same should cease to be used for said purpose for the space of two years, then the title acquired in said land under this act shall revert to the owner of the fee-simple title of the same upon the repayment by him of the principal amount paid for said land by said districts without interest, together with the value of any improvements thereon erected by said district.

SEC. 5. This act, being deemed by the General Assembly of immediate importance, shall take effect from and after its publication in the Daily Iowa State Register, and

the Des Moines Daily Bulletin, papers published in Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and the *Des Moines Daily Bulletin*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 125.

RIGHT OF WAY.

AN ACT to Amend Chapter 55 of the Revision of 1860.

APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful for any railroad company, for the use of which any land shall have been condemned, for right of way, under chapter 55 of the Revision of 1860, to have recorded in the record of deeds of the county where such land is situated, the report of the commissioners assessing damages, where the same shall not have been appealed from, and the amount of the assessment and costs shall have been paid to the sheriff, and such record shall have the effect of and be *prima facie* evidence of title in the railroad company to the right of way so taken, and shall constitute constructive notice of the rights of such company and [in] said real estate.

Revision : ch. 55.

RR. co. may have report of commissioners recorded, when.

Record evidence of title.

SEC. 2. This act shall be retroactive in its effect and shall apply to reports already recorded, as herein provided; but shall only be retroactive as far as it relates to the recording of the report of the commissioner[s].

Act retroactive.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Des Moines Daily Register* and *The Daily Iowa Statesman*.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *The Des Moines Daily Statesman*, April 21, and in the *Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*