

already owned, within the limit of one and one-quarter per cent (1 1/4%) of the valuation.

Sec. 2. Election called. The president of the board of directors on receipt of such petition shall, within ten (10) days, call a meeting of the board which shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election.

Sec. 3. Notice. Notice of such election shall be given by publication once each week for four (4) weeks in some newspaper published in the district, or, if there is none, in some newspaper published in the county and of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted. At such election the ballot shall be prepared and used in substantially the form for submitting special questions at general elections.

Sec. 4. Date of election - ballots. The election shall be held on a day not less than five (5) nor more than twenty (20) days after the last publication of notice.

Sec. 5. Bonds. If a majority of the qualified voters voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment thereof.

Approved January 30, 1924.

CHAPTER 75

EDUCATION

S. F. 109

AN ACT to amend, revise, and codify sections two thousand six hundred forty-one (2641), two thousand six hundred forty-three (2643), and two thousand six hundred forty-six (2646) to two thousand six hundred forty-eight (2648), inclusive, of the compiled code of Iowa, and sections two thousand six hundred thirty-nine (2639), two thousand six hundred forty (2640), and two thousand six hundred forty-two (2642) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand six hundred forty-one (2641) and two thousand six hundred forty-three (2643) of the compiled Code of Iowa, and sections two thousand six hundred thirty-nine (2639), two thousand six hundred forty (2640), and two thousand six hundred forty-two (2642) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Schoolhouse site. The board of each school corporation may fix the site for each schoolhouse, which shall be upon some public highway already established or procured by such board and not in any public park, and except in cities, towns, and villages, not less than thirty (30) rods from the residence of any land owner who objects thereto. In fixing such site, the board shall take into consideration the number of scholars residing in the various portions of the school corporation and the geographical location and convenience of any proposed site.

Sec. 2. Ground for schoolhouse site. Except as hereinafter provided, any school corporation may take and hold as much real estate as may be required for such site, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed two (2) acres exclusive of public highway.

Sec. 3. Schoolhouse sites. Any school corporation including a city, town, village, or city under special charter, may take and hold an area equal to two (2) blocks exclusive of the street or highway, for a schoolhouse site, and not exceeding five (5) acres for school playground or other purposes for each such site.

Sec. 4. Schoolhouse sites in consolidated districts. Consolidated districts may take and hold not to exceed ten (10) acres for any one (1) site, and any school corporation may acquire additional ground by donation.

Sec. 5. Tax for schoolhouse sites. The directors in any independent district whose territory is composed wholly or in part of territory occupied by any city or city under special charter may, at their regular meeting in July, or at a special meeting called for that purpose, between the time designated for such regular meeting and the third Monday in August, certify an amount not exceeding four (4) mills to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase of sites in and for said school district.

Sec. 6. Condemnation--referees. If the owner of real estate desired for any purpose for which any school may be authorized to take and hold real estate refuses to convey the same, or is dead or unknown or cannot be found, or if in the judgment of the board of directors of the corporation they cannot agree with such owner as to the price to be paid therefor, such real estate shall be appraised by a board of referees, which shall be organized upon the application of either party in interest.

Sec. 6-a. Board of referees. Such board shall consist of:

1. One freeholder appointed by the county superintendent.
2. One freeholder appointed by the owner of the real estate.

If such owner cannot be found the county auditor shall appoint a freeholder for him.

3. One freeholder selected by the two freeholders appointed under the two preceding paragraphs of this section.

All the members of the board shall be residents of the county and shall not be interested in the same or like question.

Sec. 7. Notice--to whom--service. The county superintendent shall give notice of the time and place of making the assessment of damages, to the persons in possession of the real estate and to the owner as shown by the transfer books in the office of the county auditor, or if the owner is so shown to be deceased, to the owners of the beneficial interest therein. Notice shall be given for the same length of time and in the same manner as for the commencement of actions in the district court.

Sec. 8. Assessment of damages--report. The referees shall inspect the grounds proposed to be taken, fix the damage sustained, as nearly as may be, on the basis of the value of the real estate appropriated, and the damage caused by the taking

thereof, and report in writing to the county superintendent their doings and findings, which report shall be filed and preserved in his office.

Sec. 9. Appeal--costs. Within ten (10) days after receiving notice of the award made, either party may appeal from the assessment to the district court by giving notice thereof as in the case of taking private property for works of internal improvement. If no appeal is taken, the assessment shall be final. Upon appeal the school corporation shall not be liable for costs unless the owner shall be allowed a greater sum than given by the referees, but all costs of making the referees' assessment shall be paid by the school corporation.

Sec. 10. Possession. The board may at any time after the award is made by the referees take possession of the property upon depositing with the county treasurer the amount of the award, and if this deposit is not made within sixty (60) days after the final determination of the proceedings, they shall be void.

Sec. 11. Erection or repair of schoolhouse. Before erecting a schoolhouse, the board of directors shall consult with the county superintendent as to the most approved plan for such building and secure his approval of the plan submitted. No schoolhouse shall be erected or repaired at a cost exceeding three hundred dollars (\$300.00), save under an express contract reduced to writing, and upon proposals therefor, invited by advertisement for four (4) weeks in some newspaper published in the county in which the work is to be done, and the contract shall be let to the lowest responsible bidder, bonds with sureties for the faithful performance of the contract being required, but the boards may reject any and all bids and advertise for new ones.

That sections two thousand six hundred forty-six (2646) to two thousand six hundred forty-eight (2648), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 12. Fence around schoolhouse sites. Each board of directors in school districts where the school grounds adjoin cultivated or improved lands, shall build and maintain a lawful fence between said grounds and cultivated or improved lands, and the owner of lands adjoining any such site shall have the right to connect the fence on his land with the fence around the school grounds, but he shall not be liable to contribute to the maintenance of such fence.

Sec. 13. Barbed wire. No fence provided for in the preceding section shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school grounds. Any person violating the provisions of this section shall be punished by a fine not exceeding twenty-five dollars (\$25.00).

Approved January 31, 1924.

CHAPTER 76

EDUCATION

S. F. 111

AN ACT to amend, revise, and codify chapter thirty-one (31) of title ten (10) of the compiled code of Iowa and of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirty-one (31) of title ten (10) of the compiled Code of Iowa and of the supplement to said Code are amended, revised, and codified to read as follows: