

3 word "thereon" in the fourth (4) line of said section 1921 the words
 4 "or adjacent thereto" and by inserting after the word "thereof" in
 5 the fourth line of said section, the following 'or, to use the water
 6 thereof in connection with any factory or for any other lawful pur-
 7 pose; provided, however, that in the use of such water, the same
 8 shall not be injuriously polluted or affected, nor the quantity thereof
 9 materially diminished; and provided further that such water shall
 10 be returned to the natural course of such stream,' That follow-
 11 ing the period in the last line of said section, the following be in-
 12 serted: 'No right acquired hereunder or hereby shall be absolute or
 13 perpetual'".

1 "SEC. 2. Publication clause. This act being deemed of imme-
 2 diate importance, shall take effect and be in force from and after
 3 its publication in the Des Moines Register and the Des Moines Capital,
 4 newspapers published in the city of Des Moines, Iowa, without ex-
 5 pense to the state."

Approved March 7, 1917.

I hereby certify that the foregoing act was published in the Des Moines Register and the Des Moines Capital March 12, 1917.

W. S. ALLEN, *Secretary of State.*

CHAPTER 26.

SYSTEM OF COMMON SCHOOLS.

S. F. 63.

AN ACT to repeal section two thousand eight hundred fourteen (2814) of the supplement to the code 1913, and section two thousand eight hundred fifteen (2815) of the code, and enact substitutes therefor relating to the acquiring and condemnation of real estate for school house sites, school roads, play grounds, and other school purposes.

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

1 SECTION 1. School house sites, etc. That section two thousand
 2 eight hundred and fourteen (2814) of the supplement to the code,
 3 1913, be and the same is hereby repealed and the following enacted as
 4 a substitute therefor:
 5 Any school corporation may take and hold so much real estate as
 6 may be required for school house sites, for the location or construction
 7 thereon of school houses, and the convenient use thereof, but not to
 8 exceed two acres exclusive of public highway, except in a city, town
 9 or village it may include two blocks exclusive of the street or highway
 10 as the case may be, for any one site, and may also take and hold such
 11 additional real estate, not exceeding five acres as may be required for
 12 school playground or other purposes for each such site, or districts
 13 consolidated under the provisions of section two thousand seven hun-
 14 dred ninety-four-a (2794-a) of the supplemental supplement to the
 15 code, 1915, may take and hold not to exceed ten acres, for any one
 16 site, unless such additional ground may be acquired by donation, which

17 site must be upon some public road already established or procured by
18 the board of directors and shall, except in cities, towns or villages, be
19 at least thirty rods from the residence of any owner who objects to its
20 being placed nearer, and not in any public park.

1 SEC. 2. **Condemnation—procedure.** That section two thousand
2 eight hundred fifteen (2815) of the code be and the same is hereby
3 repealed and the following enacted as a substitute therefor:

4 If the owner of any of the real estate desired for a school house site
5 or sites, or a public road thereto, or for school playgrounds or other
6 purposes for which any school corporation is, or may be authorized to
7 take and hold real estate, refuses or neglects to convey the same, or is
8 deceased, or is unknown or cannot be found, or if in the judgment of
9 the board of directors of said school corporation they cannot agree
10 with such owner, the county superintendent of the county in which
11 said school corporation is located shall, upon the application of either
12 party in interest, appoint three freeholders of said county, not inter-
13 ested in the same or a like question, as referees, who shall take and
14 subscribe an oath to the effect that they will faithfully and impartially
15 discharge the duties laid upon them. The county superintendent shall
16 give notice of the time and place of making the assessments of dam-
17 ages to the owner of such real estate as shown by the transfer books
18 in the office of the county auditor of such county, and to the person in
19 possession thereof, or, if such owner as so shown by such transfer
20 books is deceased, then such notice shall be given to the person or per-
21 sons in possession of such real estate and to the owners of the bene-
22 ficial interest therein, such notice in either event to be given for the
23 same length of time and in the same manner as for the commencement
24 of actions in the district court. Such referees shall inspect the
25 grounds proposed to be taken, fix the damage sustained as near as may
26 be on the basis of the value of the real estate so appropriated, and re-
27 port in writing to the county superintendent their doings and findings,
28 which report shall be filed and preserved in his office; and upon the
29 amount found by the referees being deposited with the county treas-
30 urer, for the use of such owner or owners, possession may at once be
31 taken of such real estate and the necessary buildings erected and oc-
32 cupied. From the assessment so made either party may appeal to the
33 district court by giving notice thereof as in case of taking private
34 property for works of internal improvement within ten days after
35 receiving notice of the award made. If such appeal is not taken, the
36 assessment shall be final; if taken, the board may proceed with the
37 construction of improvements, and may take possession of such real
38 estate, if the deposit hereinbefore provided has been or shall be made.
39 Such proceedings shall be void if the school corporation fails to de-
40 posit the amount due as hereinbefore provided within sixty days from
41 and after the final determination of the proceedings, upon appeal or
42 otherwise. Upon such appeal the school corporation shall not be liable
43 for costs unless the owner shall be allowed a greater sum than given
44 by the referees; all cost of making the referees' assessment to be paid
45 by the school corporation.

1 SEC. 3. **Publication clause.** This act being deemed of immediate
2 importance, shall take effect and be in force from and after its publi-

3 cation in the Des Moines Register and the Des Moines Capital, news-
4 papers published in Des Moines, Iowa.

Approved March 7, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Capital March 10, 1917, and in the Des Moines Register March 12, 1917.

W. S. ALLEN, *Secretary of State.*

CHAPTER 27.

TENANTS IN COMMON.

S. F. 36.

AN ACT to provide for the liability of tenants in common in possession to their co-tenants out of possession.

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

1 SECTION 1. **Right of tenant not in possession.** That in all cases
2 in which any real estate is now or shall be hereafter held by two or
3 more persons as tenants in common, and one or more of said tenants
4 shall have been or shall hereafter be in possession of said real estate,
5 it shall be lawful for any one or more of said tenants in common, not
6 in possession, to sue for and recover from such tenants in possession
7 his or their proportionate part of the rental value of said real estate
8 for the time, not exceeding a period of five years, such real estate
9 shall have been in possession as aforesaid; and in case of partition of
10 such real estate held in common as aforesaid, the parties in possession
11 shall have deducted from their distributive shares of said real estate
12 the rental value thereof to which their co-tenants are entitled.

Approved March 7, A. D. 1917.

CHAPTER 28.

DRAINAGE.

S. F. 9.

AN ACT to amend section nineteen hundred eighty-nine-a-thirty-eight (1989-a-38), supplement to the code, 1913, relating to the issuance of funding bonds by cities and towns.

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

1 SECTION 1. **Drainage—funding bonds.** That section nineteen
2 hundred and eighty-nine-a-thirty-eight (1989-a-38), supplement to
3 the code, 1913, be and is hereby amended by adding at the end of said
4 section the following: "Cities or towns affected by this section may
5 issue their funding bonds in accordance with the provisions of chap-
6 ter twelve (12), title V of the Code, for the purpose of securing the
7 money to pay any assessment."

Approved March 7, A. D. 1917.