

by new appointment; but if it be found impossible to secure competent persons who will act in this capacity, then the duties of the board of district school trustees for the particular district shall devolve upon the board of county school commissioners.

Chapter 6. School Houses and Sites.

1904, art. 77, sec. 36. 1888, art. 77, sec. 32. 1872, ch. 377.

37. It shall be the duty of the board of county school commissioners to select a suitable school house site in each district, whenever the necessities of the public schools demand a change of site or sites already built upon, or a new school house to be built. •

Ibid. sec. 37. 1888, art. 77, sec. 33. 1870, ch. 311. 1872, ch. 377,
sub-ch. 6, sec. 2. 1874, ch. 463.

38. The board of county school commissioners may receive donations of such sites or locations for school houses, or of houses already built adapted to school purposes or suitably located, or may purchase the same; but in no case shall any site be built upon, or any house be occupied until a good and sufficient title shall have been obtained for the same, in the corporate name of the board of county school commissioners; in cases, however, where the property owned by the board of county school commissioners in any school district, proves unsuited for school purposes, the board is authorized to sell or lease the same, and to appropriate the amount obtained by such sale or lease to the purchase or lease of a proper school house at a suitable location for the said district.

Ibid. sec. 38. 1888, art. 77, sec. 34. 1872, ch. 377.

39. When the lands shall be required for the site of a school house, or for enlarging a school house lot, and the board of county school commissioners shall, from any cause, be unable to contract with the owner thereof, the board of county school commissioners may apply for a writ of *ad quod damnum* to the clerk of the circuit court for the county, who shall forthwith issue the same, and the sheriff shall execute the said writ, and return an inquisition describing the land and stating the amount of damages to be paid to the owner; and the judge of the circuit court for the county may at any time after the return of the inquisition, in term or during recess hear a motion to confirm such inquisition, on such notice to the parties as he may direct, and confirm or quash the same; and if he quashes the inquisition he shall order a new one forthwith to be taken; but no lot so taken or enlarged shall exceed, in the whole, one acre, including the land occupied by the school building.

Ibid. sec. 39. 1888, art. 77, sec. 35. 1872, ch. 377.

40. In all cases when school-house sites are thus purchased or condemned, the costs thereof shall be paid as other school-house property is paid for.