

## CHAP. 242.

If there be any surplus

May condemn land for school house

Proviso

Ascertain damages

Repeal of inconsistent acts

SEC. 2. *And be it enacted*, That, if the whole amount apportioned to any school district in said county, shall not be used by such district, that the balance shall remain in the hands of the agent of the free school fund of said county, for the use of said district.

SEC. 3. *And be it enacted*, That where the board of primary schools cannot obtain land at a fair price, for the purpose of building school houses thereon, then, and in that case, the said board be, and they are hereby authorised, to condemn land for that purpose; *provided always*, they, the said board, shall not be permitted to condemn more than half an acre for each school; and where the board shall have condemned land for the benefit of said school or schools, then, and in that case, the said board may, and they are hereby authorised, to cause a plot and certificate to be made out by the surveyor of said county, of said lands, and to be returned to the clerk of said county, to be by him recorded among other land records of said county; and that in all cases in which it may be necessary for the board of primary education to condemn land, under the provisions of this act, the land so condemned shall be valued by three disinterested persons: one to be chosen by the owner of the land, one by the board of primary education, and the two persons thus chosen, are to select a third; and the three persons thus selected, or a majority of them, after taking an oath fairly and justly to value the land so condemned, shall proceed to view and value the same, and to name the sum which said board shall pay for said land; and after the valuation, they shall make a full return to the clerk of the county of the amount of valuation, together with the plot of said lands; and the said board of primary education, after having paid such sum, shall immediately, upon the return being made, be, and they are hereby authorised, to take possession of the said lands thus condemned to be used for the purposes intended by the provisions of this act; and where the said board of primary education may be able to obtain sites for school houses, by consent, they shall take deeds to the commissioners of said county, for the use of said county; which deeds shall be recorded as other deeds.

SEC. 4. *And be it enacted*, That any thing in the said original act, to which this is a supplement, which is repugnant to, or inconsistent with the provisions of this act, be, and the same is hereby repealed.