

addition of section one thousand four hundred and forty-two, to read as follows:

Certain children may be assigned to school in another State.

Section 1442. Where any child of school age in any school district in this Commonwealth resides one and one-half miles or more by the nearest traveled road from the nearest public elementary school or three miles or more from the nearest high school in any district in this Commonwealth, such child unless proper free transportation be furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another State: Provided, That the consent of the proper school officials in charge of such school in another State to such an arrangement be permitted by the laws of such State and is agreed to by such officials. The tuition of any such pupil attending a school in another State may be paid by the board of school directors of the district in which he is resident, as in the case of a pupil attending a public school in this Commonwealth in a district in which he is not resident.

Proviso.

Payment of tuition.

Board may admit pupils from adjacent State.

The board of school directors in any school district in this Commonwealth situate adjacent to another State may admit to the public schools in such district pupils resident in such other State and may receive tuition for such pupils, as in the case of pupils admitted from other districts in this Commonwealth.

APPROVED—The 30th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 248.

AN ACT

Authorizing cities of the first class to acquire land for the purpose of holding public expositions celebrating sesqui-centennials; to lay out, open, and improve streets, avenues, or boulevards in connection therewith; and to pass ordinances, incur indebtedness, and make appropriations therefor; and providing procedure for the condemnation of such lands, the assessment of damages or benefits, and appeals therefrom.

Cities of first class.

May acquire land for sesqui-centennial.

Section 1. Be it enacted, &c., That cities of the first class may purchase, acquire through condemnation proceedings, enter upon, take, use, possess, improve, and appropriate all such lands, either for temporary or permanent use, as may be necessary in connection with the holding of any public exposition celebrating any sesqui-centennial in such city, including grounds for the site of such exposition and all lands necessary for the opening, laying out, widening, or altering of streets, avenues, or boulevards as approaches thereto, and for that purpose the coun-

cils of such cities may enact ordinances, rules, and regulations appropriate and necessary for the purchase, condemnation, taking over, entry, possession, use, improvement, regulation, management, and control of the same without any other or further acts or proceedings now required by law, and may incur indebtedness and make such appropriation as may be required for the payment of any property acquired or used under authority of this act.

Section 2. Whenever any such city of the first class shall hereafter enter upon, take, use, and appropriate private property for the aforesaid purposes by ordinance or resolution, and the compensation and damages arising therefrom cannot be agreed upon by the owners thereof and such city, any court of common pleas or any judge thereof in vacation on application thereto by petition by the city or any person interested shall either before or after the entering, taking, using, or appropriating of such private property appoint three viewers from the board of viewers of the county, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property entered, taken, used, or appropriated, and view the same.

The viewers shall give at least ten days' notice of the time of their first meeting by publication in one or more newspapers of the city and by handbills posted upon the premises or otherwise, as the court shall direct. The viewers having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed and examined the property shall hear all parties interested and their witnesses, and shall determine the damages or benefits for property entered, taken, used, or appropriated and to or by whom the same are payable, and having determined the same they shall prepare a schedule thereof and report the same to the court and file therewith a plan showing the property entered, taken, injured, benefited or destroyed.

Section 3. When the report is filed, notice thereof shall immediately be given by publication once in the newspapers publishing the notice provided for in section two of this act. Such notice shall state the date of filing of the report, contain a schedule of the damages allowed, and shall state that unless exceptions be filed thereto within thirty days from the date of filing the report will be confirmed absolutely.

Within thirty days after the filing of any report any party interested may file exceptions to the same and the court shall confirm, modify, or change the same or change the assessments made therein or refer it back to the same or new viewers. When the report

Proceedings for
condemnation.

Viewers.

Notice of view.

Hearing.

Schedule and re-
port.

Notice of filing
report.

Exceptions to re-
port.

Confirmation.

is filed the prothonotary shall mark it confirmed nisi and in case no exceptions are filed thereto within thirty days, as hereinbefore provided, he shall enter a decree that the report is confirmed absolutely. When exceptions are filed which affect the entire report the same shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of. When the exceptions do not affect the entire report the court may confirm the assessments to which exceptions have not been taken.

Appeal from decree.

Within six months after the confirmation of any report any party interested may appeal from the decree of the court below to the Superior or Supreme Court, as the case may be, in the same manner and with like effect as appeals are taken from the reports of viewers in other proceedings for the condemnation of property for municipal purposes.

Costs.

The cost of the proceedings, including court costs, except the compensation of the viewers, shall be paid by the city.

Appeal from report to common pleas.

Section 4. Within thirty days after any report of viewers is finally confirmed in court any party interested may appeal to the court of common pleas and demand a trial by jury, and such appeal shall state the grounds upon which it is taken and shall be signed by the appellant or by his agent or attorney, and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that injustice has been done.

Costs on appeal.

Upon the trial of any such appeal, in case the party appellant does not obtain a verdict more favorable than was the report of the viewers, as finally confirmed, the appellant shall not recover any costs.

Notices and proceedings.

The court of common pleas shall order what notices shall be given in connection with such proceedings and may by rule or otherwise prescribe the form of pleadings. After verdict and final judgment either party may appeal to the Superior or Supreme Court, as the case may be.

Appeal.

Taking of land where compensation cannot be agreed upon.

Section 5. Whenever such city and the parties affected do not agree upon the amount of compensation or damages or benefits due for the entering, taking, using, and appropriating of such property under ordinances of council passed pursuant to the authority conferred by this act, or by reason of the absence or legal incapacity of the owner thereof no such agreement can be made, the city may enter upon, take, use, possess, improve, and appropriate such lands for any of the aforesaid purposes without any other or further acts or proceedings now required by law, and the property of the city shall be pledged for the payment of any damages that may thereafter be awarded.

Section 6. In selecting or appropriating any lands for purchase or acquisition for the purposes aforesaid the council of any such city shall in no way be bound or restricted in making such selection or appropriation for exposition grounds and for laying out, opening, widening, improving, or altering of streets, avenues, or boulevards as approaches thereto by any city plan heretofore adopted, nor shall it be necessary for it to have first obtained the consent or approval of any commission or other board or agency of such city.

Selection not to be restricted by any city plan.

Section 7. Any such city, after having purchased or acquired any such lands for the purposes aforesaid, may open, lay out, widen, or alter, grade, pave, and improve any streets, avenues, or boulevards thereon at such time and in such manner as it may determine without any other or further acts or proceedings now required by law.

Power to improve.

APPROVED—The 30th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 249.

AN ACT

Providing for the transfer by the Adjutant General of land conveyed to the Commonwealth for armory purposes where such land cannot be used for such purpose.

Section 1. Be it enacted, &c., That whenever any person shall have conveyed to the Commonwealth any land as a site for the erection thereon of an armory, and the armory board shall decide that such land so conveyed is not available and cannot be used for the purpose for which it was intended when so conveyed, the said armory board may by resolution authorize the Adjutant General of the Commonwealth to execute a deed for the transfer of the said land for nominal consideration to the person who conveyed the same to the Commonwealth, or in case of his death to the personal representative of the estate of such grantor, which deed when approved by the Attorney General shall vest a fee simple title to such land in such grantor or in his estate in case of his death.

Adjutant General.

May reconvey land conveyed to Commonwealth for armory purposes when found unsuitable.

APPROVED—The 30th day of April, A. D. 1925.

GIFFORD PINCHOT.