

School terms.  
First, second,  
and third class  
districts.

Fourth class  
districts.

Special schools.

Section 1601. All the public elementary and high schools in the school districts of *the first, second, and third class* in this Commonwealth shall be kept open each year as follows: *For the school year beginning the first Monday of July, one thousand nine hundred and twenty-one, and each school year thereafter, one hundred eighty (180) days. All the public elementary and high schools of school districts of the fourth class in this Commonwealth shall be kept open each year as follows: For the school year beginning the first Monday of July, one thousand nine hundred twenty-one, not less than one hundred fifty (150) days; for the school year beginning the first Monday of July, one thousand nine hundred and twenty-two, and each school year thereafter, not less than one hundred sixty (160) days.* Unless otherwise provided by this act, the board of school directors in any district may keep such other schools or departments as it may establish open during such time as it may direct.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 353.

### AN ACT

Providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto.

Department of  
Fisheries, Depart-  
ment of Forestry,  
and Game Commis-  
sioners.

Eminent domain.

Right of entry.

Petition to court.

Section 1. Be it enacted, &c., That whenever the State Forest Commission, the Board of Game Commissioners, or the Department of Fisheries desires to acquire land suitable and desirable for State forest purposes, for game preserve purposes, or for the perpetuation or protection of fish, respectively, and a price for such lands cannot be agreed upon with the owner or owners thereof, or where such owner or owners cannot be found, in all such cases the State Forest Commission, the Board of Game Commissioners, or the Department of Fisheries is authorized to acquire the said respective classes of lands by condemnation.

Section 2. The Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, on behalf of the Commonwealth, may respectively enter upon any of such lands, and take possession thereof. Thereupon the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, respectively, through the Attorney General, or

any of the owners, if known, may apply to the court of common pleas of the county wherein such lands are located for the appointment of viewers. The court shall appoint three viewers, and shall appoint a time, not less than twenty nor more than thirty days after the presentation of such petition, when the viewers shall meet upon the lands and view the same and all improvements in connection therewith.

Section 3. The viewers shall give at least ten days notice of their first meeting to the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, as the case may be, and to the Attorney General, and to the owners of such land, if known. If the owners of such lands are unknown, notice shall be given in at least two newspapers in such manner as the court may 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 in relation to which they are authorized to inquire, and having viewed the lands and premises, shall hear the parties and their witnesses, and shall estimate and determine the value of the property so taken. Where the owner of such lands and premises is unknown, the viewers shall estimate and determine the value of the land and improvements upon the testimony of the witnesses for the Commonwealth and any witnesses called by the viewers.

Section 4. The viewers shall prepare their report, and shall give at least ten days written notice of a time and place where they will meet and exhibit their report and hear all exceptions thereto. If any owners of said lands are unknown, notice shall be given in two newspapers in the same manner as the notice of their first meeting was given.

Section 5. After making whatever changes are necessary, the viewers shall report to court showing the damages allowed, and, if necessary, shall also file a plan showing the property taken. In all cases where the owners are known, the report shall also state to whom the damages are payable. In cases where the owners of the property are not known, that fact shall be clearly stated in the report.

Section 6. When the report is filed, notice thereof shall immediately be given to the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, as the case may be, the Attorney General, and the owners of the land where known, which notice shall state that, unless exceptions be filed thereto within thirty days after the filing of the report, the same will be confirmed absolutely. Where any owners of such lands are unknown,

Appointment of viewers.

Time of view

Notice of hearing.

Swearing of viewers.

Estimation of damages.

Hearing of objections to report.

Notice.

Report to court.

Notice of filing report.

notice shall be given in at least two newspapers in such manner as the court shall direct.

**Exceptions.**

Section 7. Within thirty days after the filing of any report, the Commonwealth or the owners of such lands may file exceptions to the same, and the court shall confirm, modify, or change such report, or refer the same back to the same or new viewers.

**Confirmation nisi.**

Section 8. When the report is filed, the prothonotary shall mark it "confirmed nisi." In case no exceptions are filed thereto within the time herein specified, the court shall make a decree that the report is confirmed absolutely, which decree shall be entered by the prothonotary.

**Absolute confirmation.****Jury trial.**

Section 9. Within thirty days after any report of viewers is filed under this act, the Commonwealth or the owners of such land may appeal to the court of common pleas, and demand a trial by jury. Within six months after a confirmation absolute on exceptions, or within six months after a verdict and final judgment on appeal for a jury trial, the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, as the case may be, or the owners of such land, may appeal to the Supreme or to the Superior Court, as in other cases.

**Appeal to Supreme or Superior Court.****Payment of damages awarded.**

Section 10. When the amount payable to the owner of such land has been finally determined, the same shall be paid by the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, as the case may be, from appropriations for such purposes or from the Resident Hunter's License Fund or the Fish License Fund. All costs in connection with any such proceedings shall be paid by the Commonwealth in like manner.

**Costs.****Where landowners are unknown.**

Section 11. When the owners of such lands are unknown, the Commissioner of Forestry, the Secretary of the Board of Game Commissioners, or the Commissioner of Fisheries, as the case may be, may enter upon and appropriate the lands for the use of the State, as herein provided. In all cases where the owners of lands are unknown, and the report of viewers has been finally confirmed, the Commonwealth shall be liable for all damages awarded therein. If, at any time after the final confirmation of the report of viewers, any person appears and proves title to said lands, such persons shall be entitled to and receive from the Commonwealth the sum so awarded by the viewers. Any such claimant of the land may petition the court of common pleas of the county wherein the land is located, giving a brief outline of the facts upon which the claim is based. Thereupon the court shall direct an issue to be framed, wherein the claimant shall appear as plaintiff, and the Commonwealth of Pennsylvania as defendant. Such issue shall be tried according to the rules of procedure and evidence governing trials in ejectment, with a right

of appeal by either party to the proper appellate court. If the final judgment on such issue is in favor of the plaintiff, the sum awarded by the report as finally confirmed shall be paid by the Commonwealth to said claimant. The party to the action against whom the judgment is entered shall be liable for the costs as provided by law in other civil actions.

Section 12. The Department of Forestry, or the Board of Game Commissioners, or the Department of Fisheries, respectively, shall have the control and supervision of all such lands acquired under the provisions of this act. All income and revenue derived from said lands shall be expended in the same manner and for the same purposes as provided by law for the expenditure of the income from the State forests or the receipts of said Board of Game Commissioners or Department of Fisheries, respectively; and, for such purposes, such income derived from lands acquired by the Board of Game Commissioners is hereby specifically appropriated, and shall be paid into the "Resident Hunters' License Fund"; and the income derived from lands acquired by the Department of Fisheries is hereby specifically appropriated, and shall be paid into the "Fish License Fund."

Control and supervision of lands acquired.

In one and revenue.

Section 13. An act, entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forestry purposes, and defining the powers and duties of the Department of Forestry or the Department of Conservation in relation thereto," approved July seven, one thousand nine hundred and nineteen (Pamphlet Laws, page seven hundred and twenty-three), shall be, and is hereby, repealed. All other acts or parts of acts inconsistent herewith or supplied by this act are hereby repealed.

Act of July 7, 1919 (P. L. 723), repealed.

Repeal.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 354.

AN ACT

Empowering cities of the third class to contract with certain incorporated associations to use and occupy public parks and playgrounds, subject to regulations prescribed by said cities.

Section 1. Be it enacted, &c., That, from and after the passage and approval of this act, cities of the third class be, and hereby are, authorized and empowered to enter into contracts and agreements with any incorporated association, acting within its corporate powers, for the use by the latter of any park or playground, owned, leased, or occupied by said cities, for such period and upon such terms as to maintenance, upkeep, and

Cities of third class.

Use of parks and playgrounds by incorporated associations.