

STATE COLLEGES, POWER OF EMINENT DOMAIN
Act of Jul. 10, 1901, P.L. 632, No. 319
AN ACT

Cl. 24

Authorizing the condemnation of real estate needed for the use of State Normal Schools.

Section 1. Be it enacted, &c., That whenever the board of trustees of any State normal school of this Commonwealth deem it necessary to enlarge the area of the real estate upon which the buildings of said normal school are erected, to meet the growing demands of said institution, including a campus, and cannot agree with the owner or owners of the land they wish to acquire, as to its purchase or occupancy, it shall be lawful for said board of trustees, on behalf of said normal school district, to enter upon and occupy sufficient ground for the purposes aforesaid, which they shall mark off, not exceeding two acres and to use and occupy the same, for the purposes for which they desire to use and occupy the same in connection with the said school; and for all damages done for the taking of the same, for the purposes as aforesaid, the trustees of such normal school district shall give bond, with security approved by the court of common pleas of the county in which such lands are situated, conditioned for the payment of such damages when the same shall be agreed upon by the parties or assessed according to law, which bond shall be filed in said court, for the use of the person interested.

Section 2. And it shall be lawful for the court of common pleas of the proper county in which said normal school is located, on application thereto by petition, either by said normal school district by its president or secretary, they being instructed by their board so to do, or by the owner or owners of said lands, in behalf of all to appoint a jury, consisting of three disinterested citizens of said county, and appoint a time, not less than thirty days thereafter, for said viewers to meet upon said land, of which time and place at least ten days' notice shall be given by petitioner to the said viewers and the other party; and the said viewers, or any two of them, having first been duly sworn or affirmed faithfully, justly and impartially to decide and a true report to make concerning all matters to be submitted to them in the premises, and having viewed said ground, they shall estimate and determine the quantity and value of said land so taken, to be used for the purposes aforesaid; and after having made a just and fair comparison of the advantages and disadvantages, they shall estimate and determine whether any, and, if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to said court; and if damages be awarded, and the report be confirmed by the said court, judgment shall be entered therefor; and if the amount thereof be not paid within thirty days after the entry of said judgment, execution to enforce payment shall be had as in other similar cases: Provided, That either party shall have the right to have

reviewers appointed by said court. Each viewer shall receive three dollars per day for each day necessarily employed in said view or review: And provided, also, That each party shall have the right to appeal from the report of said viewers or reviewers to the court of common pleas, within thirty days after the filing of such report, and the same shall be tried by a jury as in similar cases.

Section 3. The cost of the first view shall be paid by the party condemning the property; the cost of the review or appeal shall be paid by the party losing the controversy.