

Consolidated B Loses Case

Supreme Court Rules Douglass Owner of Island School Land

Property on which stood the former Churchill County school in the Island district reverted to R. L. Douglass, original owner of the ground, when the school house was abandoned.

That is the decision reached Monday by the Nevada State Supreme Court.

Ned Turner, Supreme court clerk, reports the filing of an opinion and decision denying release to the trustees of Con. B school district of Churchill county in their suit to recover the former Island district school building and grounds.

In 1909 R. L. Douglass permitted the Island school district to erect a school house on 1.4 acres of an 80 acre tract of land owned by him. Forty years later Con. B school district, into which the former Island school district had been merged, abandoned school use of the property.

Whereupon it was reoccupied by Douglass and the suit was commenced by the school district to recover it.

In the meantime there had been several transfers of the 80 acre tract, all of whom had accepted the school plot except one tax deed which had inadvertently included it.

Retired District Judge Clark J. Guild held that when the school district abandoned public use of the property the easement ceased and reverted to the owner, and that this included the school building which had become a part of the real estate. (The building burned down in December of 1953.)

The supreme court adopted the same view and affirmed Judge Guild's judgment. George J. Kenney of Fallon represented R. L. Douglass and A. Loring Primeaux represented the district. Justice Milton Badt wrote the opinion in which Chief Justice Edgar Eather and Justice Charles M. Merrill concurred.