

MR. DUNGAN, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred House File No. 389, a bill for an act to repeal section 1241, title X, chapter 4, of the Code, and to enact a substitute therefor, relating to taking private property for works of internal improvement, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it do pass.

WARREN S. DUNGAN, *Chairman.*

Ordered passed on file.

HOUSE FILE NO. 389.]

[BY WRIGHT.

A BILL

FOR AN ACT TO REPEAL SECTION 1241, TITLE X, CHAPTER 4, OF THE CODE, AND TO ENACT A SUBSTITUTE THEREFOR, RELATING TO TAKING PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1241, chapter 4, title X, of the Code, be and the same is hereby repealed, and the following enacted as a substitute in lieu therefor:

3 Sec. 1241. Any railway corporation organized in this state, or chartered by, or organized under the laws of the United States or any state or territory, may take and hold, under the provisions of this chapter, so much real estate as may be necessary for the location, construction, and convenient use of its railway, and may also take, remove, and use for the construction and repair of said railway and its appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; the land so taken, otherwise than by the consent of the owners, shall not exceed one hundred feet in width, except for wood and water stations depot-grounds, engine-houses, and the necessary machine-shops for the construction and repair of engines, cars, other machinery and tools, unless where greater width is necessary for depot-grounds, engine-houses, machine-shops, excavation, embankment, or depositing waste earth.

14 And in cases where the land to be taken for depot-grounds, engine-houses, or machine-
15 shops, is situate within the limits of an incorporated town or city it shall be necessary for
16 the railroad company seeking to condemn such lands for the purposes last named, to obtain
17 the consent of the incorporated town or city to the specific location and description of the
18 grounds to be taken, by a vote of at least two-thirds of the trustees, or city council, as the
19 case may be, and the amount of land to be taken for depot-grounds, engine-houses, or ma-
20 chine-shops, shall be so determined by the trustees or city council, as the case may be, by
21 such vote, and an order shall be entered of record in the proceedings of said trustees or
22 council, showing the description of the land to be so taken, before such condemnation pro-
23 ceedings are commenced for depot-grounds, engine-houses, or machine-shops, when situate
24 within the limits of a city or incorporated town as aforesaid.

SEC. 2. This act to take effect and be in force from and after its publication in the *Daily*
2 *Iowa State Register* and in the *Daily Iowa State Leader*.

To the Honorable the General Assembly of the State of Iowa:

WHEREAS, There is no provision of law providing for the condemnation of lands for depot purposes, for machine-shops, and for engine-houses; and

WHEREAS, The purposes named are as essential to the operation of a railroad as the right of way, or any other right to the property now provided to be condemned for railroad purposes; and

WHEREAS, The city of Fort Dodge, Iowa, is so situated that it is difficult to secure the necessary grounds for those purposes; and

WHEREAS, The Minneapolis & St. Louis Railroad Company have proposed, in consideration of certain conditions to be performed and lands to be donated, to establish their division and round-houses, and machine-shops at this point; and

WHEREAS, Certain non-resident parties are not willing to furnish or dispose of their lands at any price, for the purposes named, to the great disadvantage of the people of our city and county; now, therefore,

Resolved, That the city council of the city of Fort Dodge, Iowa, respectfully ask your honorable body to so amend the law as to include the right of condemnation of property for the purpose of depot-grounds, engine-houses, and machine-shops, of such size and location as may be fixed by cities and incorporated towns, and as may be agreed upon with railroad companies; as they will ever pray, etc.

The above preamble and resolution was unanimously passed at a meeting of the city council of the city of Fort Dodge, Iowa, held February 18, 1882.

M. P. GARDNER,
City Clerk.

S. T. MESERVEY,
Mayor.

To the Honorable the General Assembly of Iowa:

At a meeting of the board of trade of the city of Fort Dodge, called to consider the memorial of the city council relating to the passage of a law authorizing railroad companies, in certain cases, to condemn real estate for depot-grounds, engine-houses, and machine-shops, after a full discussion of the subject, said board unanimously passed the following resolution:

Resolved, That this board of trade heartily approves of the purposes of the memorial of the city council of this city, asking for the passage of a law which will authorize property to be condemned, to be used for depots, engine-houses, and machine-shops for railroads, and that we recommend and urge the passage of the bill prepared for that purpose by the city council.

Resolved, That the president of this board, Angus McBane, G. W. Bassett, and John Doud, Jr., be and they are hereby appointed a committee to present the foregoing action of the board to the general assembly of Iowa.

Signed, February 21, 1882.

L. BLANDEN,
President of the Board.

ANGUS McBANE,
G. W. BASSETT,
JOHN DOUD, JR.,
Committee.