

CHAPTER 62.

RIGHT OF WAY—NON-RESIDENTS.

APRIL 5. AN ACT Amending Article 3, of Chapter 55, of the Revision of 1860, granting Right of Way to Railroad Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the words "non-resident" as used in article 3, of chapter 55 of the Revision of 1860, and in this act, shall be held to mean persons not residing in the county in which the lands [lie] over which the right of way is required.

Meaning of
"non-resident."

Revision: ch. 55,
art. 3.

SEC. 2. When any railroad company desires to locate its road over the lands of any non-resident, no demand of right of way shall be necessary, except the publication of the notice herein provided for.

Publication of
notice — demand
unnecessary.

SEC. 3. Notice for condemning right of way for railroad purposes, over the lands of non-residents, may be substantially in the following form, to-wit :

"RIGHT-OF-WAY NOTICE."

Form of notice.

To (here name each person who is known to be a non-resident owner of any lands in the county over which the right-of-way is desired), and all other persons having any interest in, or owning any of, the following described real estate, to-wit: (here describe by numbers, in tracts not exceeding one-sixteenth of a section each, thus: north-east quarter of north-west quarter, and north-west quarter of north-west quarter, of section 5, north-east quarter of north-east quarter, north-west quarter of north-east quarter, of section 6, all in township 96, range 22, etc.,) you are hereby notified that the railroad company has located a line of railroad over the above described real estate, and desire the right-of-way over the same, to-wit: a strip or belt of land.....feet in width, through the center of which strip or belt of land the center line of said railroad will run, leaving.....feet on each side of said center line, together with such widths as may be necessary for bermes, waste banks, and burrowing-pits, and wood and water stations; and unless you proceed to have the damages to the same appraised according to law, on or before the.....day of..... A. D., 18., (a date at least four weeks after the first publication of the notice,) said company will proceed to have the

same appraised on the.....day of....., (a date at least eight weeks after the first publication of the notice,) at which time you will be at liberty to appear before the appraisers on the subject of the assessment of damages to your land.

.....Railroad Company.

By.....Attorney or.....
Right-of-Way Agent.

Which notice shall be published in some newspaper in the county, if there be one, and if there be no newspaper in the county, then in the nearest county, through which the proposed railroad runs, in which there is a newspaper, for at least eight successive weeks prior to the day fixed for appraisement, at the instance of the railroad company, and shall be sufficient demand of, and notice to, all persons having any interest in any of the lands described in the notice. How published.

SEC. 4. The appraisement may be made and returned in tracts larger than forty acres, and all the lands appearing of record to belong to one person, and lying in one tract, may be included in one appraisement and return, unless the agent or attorney of the company, or the appraisers, shall have actual knowledge that the tract so appearing of record does not belong wholly to the person in whose name it appears of record; and in case of such knowledge, the appraisement shall be made of the different parcels, as they are known to be owned. Appraisement, how made and returned.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 6. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Weekly State Register and Daily Bulletin, newspapers published in Des Moines, Iowa. Taking effect.

Approved, April 5, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, April 8, and in the *Weekly Iowa State Register*, April 13, 1870.

ED WRIGHT, *Secretary of State.*