

CHAPTER 118.

RELATING TO THE RE-LOCATION OF RAILROADS.

[AN] ACT to Authorize the Re-location of Railroads.

H. F. 395.

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

SECTION 1. Any railroad company desiring to change or re-move the line of its road, after the same has been permanently located and constructed, may for that purpose file a petition in the district or circuit court in any one of the counties wherein the change or removal is proposed to be made, describing with convenient accuracy that portion of its line of road which said company seeks to have changed or removed, and asking the court to grant the right or authority to make such change or removal. To this suit, all trustees, mortgagees, or other lien holders and all townships, cities and counties which have aided by taxation to build the road, must be made defendants by service of original notice, in the time and manner as provided by law for service of original notices.

R. R. Co. seeking to change shall file petition in district or circuit court.

Who shall be defendants.

SEC. 2. In addition to the foregoing notice, a public notice to all whom it may concern, of the time of filing such petition, and of the object thereof and of the term of court at which the application for authority to make the change will be made, and requiring all persons desiring the repayment of money or the return of property, as in this act contemplated, to appear at such court and make good their claim therefor, must be published in a newspaper printed in each county, wherein the change is to be made, for a period of ten successive weeks before the term of court at which the application is to be made. The court may order any additional notice or publication that it may deem proper.

Notice.

SEC. 3. But no railroad company shall be allowed to change or remove the line of its road after its permanent location and construction, without re-paying to the proper parties all moneys, and restoring all property, or its value, which were given or donated to the company building the same, exclusively in consideration of the said railroads being located and constructed on such line, nor without first procuring the proper consent of all parties having liens upon said railroad; and also of any township, city or county that has by taxation or by the issuing of bonds contributed money to aid in the construction thereof; *provided*, that the consent of such township, city or county shall be necessary with reference only to the change to be made within its own territorial limits.

Before change can be made R. R. Co. must repay moneys and return property.

With consent of lien-holders.

SEC. 4. If the court is satisfied that due and proper notice has been given, and that the consent of the proper parties, as herein contemplated, has been duly obtained, it shall order and adjudge in favor of all persons who have appeared and established their claims thereto, the re-payment of all moneys, and the return of all property, or its value, which were given or donated to the

Court shall make order.

company exclusively in consideration of the roads being located on the line from which it is proposed to make the removal, and shall declare and adjudge all persons not so appearing and establishing their claims as aforesaid, forever thereafter debarred and estopped from setting up or asserting the same. The court may, if the public interest demand it, make an order authorizing the railroad company to change or remove the location of its road, as asked for in the petition, but such order must be on the condition that all claims for the repayment of money, or the return of property, which may be allowed by the court, as herein provided, shall be first paid or satisfied.

Effect of removal on liens, mortgages, etc.

Sec. 5. All mortgage liens or other incumbrances on the line of road which the company is authorized by the court to change, shall be and remain valid liens and incumbrances on the line of road to which the change is made, and shall take priority of all other liens and incumbrances upon such new line of road.

Township trustees to appear for their respective townships. Proviso.

To what roads this shall apply.

Sec. 6. For the purpose of this act, the trustees of each township shall be served with notice, and shall be authorized to represent and act for their respective townships; *provided*, that no vested right of any person or persons, living on and along the line of any railroad removed under the provisions of this act, shall be defeated or affected by this act; *and provided further*, that the provisions of this act shall apply only to such railroads as were constructed prior to the year one thousand eight hundred and sixty-six.

Cuts to be filled and banks leveled upon removal.

Sec. 7. That when any railroad company shall take up their track and re-locate the same under the provisions of this act, shall fill up the cuts and level down the banks, or cause the same to be done, within two years from the time of taking up such track.

Approved March 15, 1876.

CHAPTER 119.

AGRICULTURAL COLLEGE.

H. F. 478.

AN ACT to Amend Clause 4, Section 1606, Chapter 3, [Title XII: "Of the State Agricultural College and Farm,"] of the Code.

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

Number of hours devoted to manual labor.

SECTION 1. That clause 4 of section 1606, chapter 3, of the Code, be amended by striking out the words "to be not less than three in summer and two in winter."

To take effect.

Sec. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Progressive Farmer.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 25, and in the *Progressive Farmer*, a monthly publication, April, 1876.

JOSIAH T. YOUNG, *Secretary of State.*