CHAPTER 15.

NON-USER OF RAILROAD RIGHT OF WAY.

Sub. S. F. 147 and H. F. 47.

AN ACT to Repeal Chapter 65 of the Public Laws of the Fifteenth General Assembly, and section 1260 of the Code, and enact a substitute therefor, Relating to the Taking of Private Property for works of Internal Improvement.

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

Repealing chapter 65, public acts 15 G. A. and § 1260 of Code.

SECTION 1. That chapter 65 of the public laws of the fifteenth general assembly, and section 1260 of the Code, be and the same are hereby repealed, and the following enacted in lieu thereof:

Sub. for § 1260.

SEC. 1260. In any case where a railway, constructed in whole or in part, has ceased to be operated or used for more than five years, or in any case where the construction of a railway has been commenced by any corporation or person, and work on the same has ceased, and has not been in good faith resumed, for more than five years, and the same remains unfinished, or where any portion of such railway has not been operated for four years last past, and the rails and rolling stock have been wholly removed therefrom, it shall be deemed and taken that the corporation or person thus in default has abandoned all right and privilege over so much as remains unfinished, or from which the rails and rolling stock have been wholly removed, as aforesaid, in favor of any other corporation or person which may enter upon such abandoned work, as provided in section 1261 of the Code: *Provided, however,* that if said road-bed or right of way, or any part thereof, shall not be used or operated for a period of eight years, or in any case where the construction of a railway has been commenced by any corporation or person, and work on the same has ceased and has not been in good faith resumed by any corporation or person for a period of eight years, the land and the title thereto shall revert to the owner of the section, subdivision, tract, or lot from which it was taken: *and Provided further,* that the provisions of this act shall not apply to any railroad having a portion of its track laid with a wooden rail.

Work ceased for five years, or railway not operated for four years, with removal of iron and rolling stock, is abandonment.

Non-user for eight years shall cause land and title thereto to revert to owner of land.

Does not apply to roads using wooden rail.

Publication clause.

SEC. 2. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 2, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register,* March 4, 1880, and *Iowa State Leader,* March 2, 1880.

J. A. T. HULL, *Secretary of State.*