

operating the existing road, be compelled to interlock such crossing to the satisfaction of such court, sitting in equity, in the county, in which such proposed crossing shall be located, and pay the cost of such appliance; and in the event of the railroad companies interested, failing to agree upon the division of expense of maintaining and operating said interlocking switch, said court shall apportion the amount to be paid by each; *provided*, this section shall not apply to crossings over sidetracks only; and *provided further*, that in any cause arising under this section the same provision as to making up of issues and precedence over other civil business as is made in section 2 hereof, shall apply.

Failure to agree as to division of expenses.

SEC. 4. If, in any case contemplated in the preceding sections, the crossings shall be of two railroads only, then and in such case, the court shall not apportion to either thereof, less than one-third ( $\frac{1}{3}$ ) of the cost as provided by section 2 or section 3, as the case may be, and if more than two roads shall in any case be involved, the court shall not apportion to any one thereof, less than two-thirds ( $\frac{2}{3}$ ) of an equal share of such cost.

Where more than two roads are interested.

SEC. 5. Any decree made pursuant to sections 2 and 3 hereof, shall be subject to changes or modifications at any subsequent term, on due cause therefor being shown to the court.

Decree subject to change.

SEC. 6. Whenever interlocking or other safety devices are constructed and maintained in compliance with sections 2 or 3 of this act, then and in that case it shall be lawful for the engines and trains of such railroad or railroads to pass over said crossings without stopping, any law now in force to the contrary notwithstanding, and all such other provisions of law contrary thereto are hereby declared not to be applicable in such cases.

Where law has been complied with in regard to crossings engines need not stop.

Approved March 19, 1894.

## CHAPTER 26.

AN ACT authorizing railway corporations to mortgage their property for certain purposes: S. F. 148.

*Be it enacted by the General Assembly of the State of Iowa, as follows:*

SEC. 1. That any railway corporation organized under the laws of this state is hereby authorized to mortgage its property and franchises, in whole or in part, to secure bonds issued by it to refund or pay its indebtedness, or to improve or develop its property, or for the purpose of effecting the object of its incorporation, such bonds to be issued in such amounts, to run for such length of time, to be payable within or without this state, and to bear such rate of interest, (not to exceed the legal rate in this state at the time of issue), as the company issuing the same shall determine.

Railway corporations authorized to mortgage its property to refund or pay indebtedness.

Interest.

Railway corporations authorized to mortgage its property to secure bonds of other companies.

SEC. 2. That any railroad corporation organized under the laws of this state, is hereby authorized to mortgage its property and franchises, in whole or in part, to secure bonds issued by any other railroad corporation of this or any other state, which, at the time, is operating the road of such mortgagor under lease thereof, such bonds to be issued to refund or to secure means to pay the indebtedness of such lessor or mortgagor corporation, or improve or develop its property, for the purpose of effecting the object of its incorporation, and may be issued in such amounts, to run for such length of time, be made payable within or without this state, and bear such rate of interest (not exceeding the legal rate in this state at the time they are issued), as may be determined by and be acceptable to such lessee corporation. The lessee corporation is also hereby empowered to secure the bonds issued by it for any of the purposes aforesaid, by a mortgage of its leasehold interest in the property and franchises of the lessor company.

Payment.  
Interest.

Publication clause.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after publication in the Iowa State *Register* and Des Moines *Leader*, newspapers published at Des Moines, Iowa.

Approved April 24th, 1894.

I hereby certify that the foregoing act was published in the Iowa State *Register* May 5, and Des Moines *Leader* May 2, 1894.

W. M. McFARLAND, *Secretary of State*.

## CHAPTER 27.

S. F. 308. AN ACT to repeal chapter eighteen of the acts of the Twenty-fourth General Assembly, relating to taxes in aid of railways and to enact a substitute therefor.

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

Ch. 18, 24 G.A., repealed.

SECTION 1. That chapter eighteen (18) of the acts of the 24th General Assembly be and the same is hereby repealed and the following enacted in lieu thereof.

Sec. 1, 2, ch. 159, 20 G. A., repealed.

"SEC. 1. That section 2 and section 4 of chapter 159 of the acts of the 20th General Assembly are hereby repealed and the following sections enacted in lieu thereof:

Substitute.  
Tax aid to  
railways.

"Section 2. That taxes not exceeding five per centum on the assessed value of any township, incorporated town or city may be voted to aid any railroad company which is or may become incorporated under the laws of the state of Iowa, to aid in the construction of a projected railroad within this state as hereinafter provided."

Stipulation and condition.

"Section 3. The stipulations and conditions in the notices prescribed in said act, must conform to those set forth in the petition asking for the election; and the aggregate amount of tax voted after the passage of this act, under the provisions of said chapter 159, of the acts of the Twentieth General Assembly, as amended by chapter 19, of the acts of the Twenty-third General Assembly, in any township incor-