

IC 8-4

ARTICLE 4. ORGANIZATION AND OPERATION OF RAILROADS

IC 8-4-1

Chapter 1. Incorporation of Railroad Companies

IC 8-4-1-1

Incorporation; capitalization; articles of association; election of directors

Sec. 1. (a) A railroad may incorporate under any of the following:

- (1) This chapter.
- (2) The Indiana Business Corporation Law (IC 23-1).
- (3) Any other applicable statute.

(b) Any number of persons, not less than fifteen (15), being subscribers to the stock of any contemplated railroad may be formed into a corporation for the purpose of constructing, owning, and maintaining such railroad by complying with the following requirements:

(1) Whenever stock to the amount (measured by the consideration to be received therefor) of at least fifty thousand dollars (\$50,000), or one thousand dollars (\$1,000) for each and every mile of the proposed road, shall have been subscribed, the subscribers to such stock shall elect directors for such company from their own number and shall severally subscribe articles of association in which shall be set forth the following:

- (A) The name of the corporation.
- (B) The total number of shares into which its authorized capital stock is to be divided.
- (C) Whether all or part of said shares are to have a par value and if so, the number and par value of such shares.
- (D) Whether all or part of said shares are to be without par value and if so, the number of such shares.
- (E) The consideration for which the company may issue and sell its shares without par value or authorization to the board of directors to fix such consideration from time to time.
- (F) If said shares are to be divided into classes or kinds, the designations of the different classes, the number and par value, if any, of the shares of each class, and a statement of the relative rights, preferences, limitations, restrictions, and voting rights of each class.
- (G) The number of directors and their names to manage the affairs of the company.
- (H) The names of the place from which and the place to which the proposed road is to be constructed and each county into which or through which it is intended to pass.
- (I) Its length as near as may be.

(2) Each subscriber to such articles of association shall state his place of residence and the number and class (if there be more

than one (1) class) of shares taken by him in such company.
(Formerly: Acts 1852, IRS, c.83, s.1; Acts 1933, c.101, s.7.) As amended by P.L.75-1990, SEC.1.

IC 8-4-1-2

Shareholders; preemptive rights

Sec. 2. The shareholders of any railroad company, now organized or hereafter to be organized under the laws of this state, shall have no preemptive rights to subscribe to or purchase any additional issues of shares of the capital stock of the corporation of any class nor any shares of the corporation purchased or acquired by the corporation and not canceled but held as treasury stock except to the extent, if any, that such rights shall be fixed and stated in the articles of association.

(Formerly: Acts 1852, IRS, c.83, s.1a; Acts 1957, c.69, s.1.)

IC 8-4-1-3

Articles of association; filing with secretary of state

Sec. 3. Articles of association formed under section 1 of this chapter shall be filed in the office of the secretary of state; and, thereupon, the persons who have subscribed the same, and all persons who shall, from time to time, become stockholders in such company, and their successors, shall be a body politic and corporate, in perpetuity, by the name stated in such articles of association; and may sue or be sued; and may have a common seal, and may make and alter the same at pleasure; and shall be capable, in law, of purchasing, holding, and conveying any real and personal property whatever, necessary for the construction of such road and for the erection of all necessary buildings and yards and appurtenances for the use of the same. A copy of any articles of association filed in pursuance of this chapter, and certified to be a copy, by the secretary of state or his deputy, shall, in all courts and places, be presumptive evidence of the incorporation of such company and of the facts stated therein.

(Formerly: Acts 1852, IRS, c.83, s.2.) As amended by P.L.62-1984, SEC.32.

IC 8-4-1-4

Subscriptions to the stock

Sec. 4. The directors named in section 1 of this chapter shall open books for subscription to the capital stock of the company, at such times and in such places as a majority of them may direct, due notices of which shall be given; and in case a greater amount of stock shall be subscribed than the whole capital required by such company, the directors shall distribute such capital stock, so subscribed, as equally as possible among the subscribers, but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one (1) subscriber than by him subscribed for.

(Formerly: Acts 1852, IRS, c.83, s.3.) As amended by P.L.62-1984,

SEC.33.

IC 8-4-1-5

Shareholders; annual meeting; directors, election, and term

Sec. 5. There shall be an annual meeting of the stockholders (to be held in one (1) of the counties in which or through which such road is proposed to be or may be constructed) for the election of directors to serve for the ensuing year, notice of which, appointing a time and place, shall be given by the directors chosen as provided in section 1 of this chapter for the first annual election, and, afterward, by their successors in office; which notice shall be published not less than twenty (20) days previous thereto in a newspaper published in each county through which such road shall be intended to run (if there be stockholders residing therein) in which a newspaper shall be published; and if no newspaper be published therein, then by six (6) written or printed notices put up in the most public places in such county; provided, however, that the directors may prescribe by bylaw a place outside the state for the holding of annual meetings, or, notwithstanding the limitations of section 10 of this chapter, by resolution adopted at any meeting by stockholders holding shares representing two-thirds (2/3) of the voting power of the capital stock entitled to vote at any annual meeting. Three (3) judges of election shall be chosen by the board of directors previous to any annual meeting of the stockholders, who shall be stockholders but not directors at the time of such election, whose duty it shall be to receive the votes of the stockholders at such election for directors, and who shall openly count the votes and declare the result, and shall furnish the directors elected at such meeting of the stockholders with a certificate of their election, which certificate shall be evidence of their authority to act as such directors. Not less than seven (7) nor more than thirteen (13) directors shall be chosen at such meeting of stockholders, by ballot, and by a majority of the votes of the stockholders present in person or by proxy. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to a vote for directors at the election at which he shall be chosen. The directors shall hold their office for one (1) year and until others are elected in their places.

(Formerly: Acts 1852, IRS, c.83, s.4; Acts 1933, c.101, s.8; Acts 1955, c.139, s.1.) As amended by P.L.62-1984, SEC.34.

IC 8-4-1-6

Meetings of shareholders; notice; requisites

Sec. 6. Meetings of the stockholders may be called at any time during the interval between the annual meetings, by the directors or by the stockholders owning not less than one-fourth (1/4) of the stock, by giving thirty (30) days public notice of the time and place of the meetings, in the manner provided in section 5 of this chapter for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice, and if at any such meeting thus called, a majority in

value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three (3) days, without transacting any business; and if, within said three (3) days, stockholders having a majority of the stock do not attend such meeting, then the meeting shall be dissolved.

(Formerly: Acts 1852, IRS, c.83, s.5.) As amended by P.L.62-1984, SEC.35.

IC 8-4-1-7

Meetings of shareholders; annual report; removal of officers

Sec. 7. At a regular meeting of the stockholders of any such corporation, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of said company; and at any meeting of the stockholders, a majority of those present, in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish them when thus required: and at all general meetings of the stockholders, a majority in value of the stockholders in such company may remove any president or any director of such company, and elect another in their stead; provided, notice of such intended removal shall have been given as required in sections 5 and 6 of this chapter.

(Formerly: Acts 1852, IRS, c.83, s.6.) As amended by P.L.62-1984, SEC.36.

IC 8-4-1-8

Directors; elections; president and other officers; appointment or election

Sec. 8. In case it shall happen, at any time, that an election of directors shall not be made on the day designated by the bylaws of the company, when it ought to have been made, the company, for that reason, shall not be dissolved if, within ninety (90) days thereafter, they shall hold an election for directors in such manner as shall be provided by the bylaws of the company. There shall be a president of the company who shall be chosen by and from the directors, and also such subordinate officers as the company, by its bylaws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices as the company, by its bylaws, may require; provided, that nothing contained in this section shall be so construed as to prevent the stockholders from removing a president and electing another in his place in the manner prescribed in section 7 of this chapter.

(Formerly: Acts 1852, IRS, c.83, s.7.) As amended by P.L.62-1984, SEC.37.

IC 8-4-1-9

Stock subscriptions; demands for payment

Sec. 9. It shall be lawful for the directors to call in and demand from the stockholders, respectively, any sums of money by them subscribed, in such payments or instalments as the directors shall

deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon if payment shall not be made by the stockholders within thirty (30) days after personal demand, or notice, requiring such payment, shall have been made in each county through which such road shall be laid out in which a newspaper shall be published: Provided, That subscriptions shall not be required to be paid except in equal instalments of not more than ten (10) per cent a month.

(Formerly: Acts 1852, IRS, c.83, s.8.)

IC 8-4-1-10

By-laws; officers and employees; appointment and duties

Sec. 10. The directors of such company shall have power to make by-laws for the management and disposition of stock, property and business affairs of such company not inconsistent with the laws of this state, and prescribing the duties of officers, artificers, and servants, that may be employed, and for the appointment of all the officers for carrying on all business within the object and purposes of such company.

(Formerly: Acts 1852, IRS, c.83, s.9.)

IC 8-4-1-11

Stock certificates; issuance and transfer

Sec. 11. Each shareholder shall be entitled to a certificate, signed by the president or a vice-president and the secretary or an assistant secretary or the treasurer or an assistant treasurer, certifying the number of shares of stock owned by him in the company; which shares shall be deemed personal estate, and shall be transferable in the manner prescribed in the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for the nonpayment of calls thereon. Where any such certificate is signed by a transfer agent or transfer clerk and by a registrar, the signature of any such president, vice-president, secretary, assistant secretary, treasurer or assistant treasurer upon such certificate may be facsimiles, engraved or printed. In case any such officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such before such certificate is issued, it may be issued by the company with the same effect as if such officer had not ceased to be such at the date of its issue. All certificates, including those heretofore issued, which are signed in facsimile, as authorized herein, shall be as valid and effectual for all purposes as if signed by the proper officers.

(Formerly: Acts 1852, IRS, c.83, s.10; Acts 1941, c.120, s.1.)

IC 8-4-1-12

Certificate of capitalization

Sec. 12. The president and a majority of the directors, within thirty (30) days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate,

stating the amount of capital stock so fixed and paid in, which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary, and they shall, within the said thirty (30) days, file and record the same in the office of the secretary of state.

(Formerly: Acts 1852, IRS, c.83, s.11.)

IC 8-4-1-13

Maps and route profile; filing

Sec. 13. Every such company, before proceeding to construct a part of their road into or through any county named in its articles of association, shall make a map and profile of the route intended to be adopted by such company, which shall be certified by a majority of the directors, and filed in the office of the clerk of such county, for the inspection and examination of all parties interested therein.

(Formerly: Acts 1852, IRS, c.83, s.12.)

IC 8-4-1-14

General powers and duties; enumeration

Sec. 14. (a) Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions, expressed in the special powers following:

(1) To cause such examination and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and, for such purposes, by their officers, agents, and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

(2) To receive, hold, and take such voluntary grants and donations of real estate and other personal property as shall be made to it to aid in the construction, maintenance, and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grants only.

(3) To purchase, and, by voluntary grants and donations receive and take, and, by its officers, engineers, surveyors, and agents, enter upon, take possession of, hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad stations, depots, and other accommodations necessary to accomplish the objects for which the corporation is created; but not until the compensation to be made therefor, as agreed upon by the parties or ascertained as prescribed in this chapter, shall have been paid to the owner or owners thereof, or deposited as directed by this chapter, unless the consent of such owner be given to enter into possession.

(4) To lay out its road, not exceeding six (6) rods wide, and to construct the same; and for the purposes of cuttings, embankments, and procuring stone and gravel, or the improvement of its road by the construction of additional main

tracks, switches, or passing sidings, it may take as much more lands, within the limits of its charter, in the manner provided in this chapter, as may be necessary for the proper construction, improvement, and security of the road.

(5) To construct its road upon or across any stream of water, watercourse, highway, railroad, or canal, so as not to interfere with the free use of the same, which the route of its road shall intersect, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, or highway thus intersected to its former state, or in a sufficient manner not to unnecessarily impair its usefulness or injure its franchises.

(6) To cross, intersect, join, and unite its railroad with any other railroad before constructed, at any point on its route and upon the grounds of such other railroad company, with the necessary turn-outs, sidings, switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is intersected on or after May 6, 1852, by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two (2) corporations can not agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners, to be appointed as is provided in this chapter in respect to the taking of lands; but this section shall not affect the rights or franchises granted before May 6, 1852.

(7) To purchase lands or take them in order that it may change the line of its road, whenever a majority of the directors shall so determine, as is provided in this chapter, but no change shall vary the general route of such road.

(8) To take, transport, carry, and convey persons and property on its railroad by the force and power of steam or animals or of any mechanical power, or by any combination of them, and receive tolls or compensation therefor.

(9) To erect and maintain all necessary and convenient buildings, stations, depots, fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and obtain and hold the lands necessary therefor.

(10) To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor.

(b) In all proceedings authorized by this chapter to take land for the construction of additional main tracks, switches, or passing sidings, the burden of proof shall be upon the corporation to prove in a court of competent jurisdiction its right to take such land and the necessity therefor, preliminary to assessment of damages; and in estimating damages, the damages of all persons, firms, limited liability company, or corporations shall be computed as in other cases, to which shall be added compensation for all such injuries,

interruptions, and destruction to any trade, business, contract, occupation, residence, or industry involved, the expense and difficulty in obtaining a new location and in relocating such business or industry, as may not be elements of damage under any law other than this chapter; provided, that nothing contained in this chapter shall repeal, affect, or modify any powers or duties of the commission or any obligations imposed upon railroads by statute other than this chapter, nor impliedly nor expressly repeal, affect, or modify any other statute of this state.

(Formerly: Acts 1852, IRS, c.83, s.13; Acts 1911, c.82, s.1.) As amended by P.L.62-1984, SEC.38; P.L.23-1988, SEC.82; P.L.8-1993, SEC.140.

IC 8-4-1-15

Eminent domain; right to acquire title

Sec. 15. In case any company formed under this chapter is unable to agree for the purchase of any real estate, in any county, required for the construction of the track, turn-outs and water stations, it shall have the right to acquire the title to the same in the manner and by the special proceedings prescribed in this chapter.

(Formerly: Acts 1852, IRS, c.83, s.14.) As amended by P.L.62-1984, SEC.39.

IC 8-4-1-16

Eminent domain; damages; appraisals; appeals

Sec. 16. (a) A corporation formed under this chapter is authorized to enter upon any land for the purpose of examining and surveying its railroad line and may appropriate as much land as is deemed necessary for its railroad, including necessary side-tracks and water stations, materials for constructing, except timber, a right-of-way over adjacent lands sufficient to enable the company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains.

(b) The corporation shall deposit with the clerk of the circuit court of the county where the land lies, a description of the rights and interests intended to be appropriated. The land, rights, and interests shall belong to the company, to use for the purpose specified, by making or tendering payment as provided in this section.

(c) The corporation may, by its directors, purchase lands, materials, rights-of-way, or interests of the owner of the land, or, in case the land is owned by a mentally incompetent person or a person under eighteen (18) years of age, at a price to be agreed upon by the guardian or parent of the mentally incompetent person or person under eighteen (18) years of age, if the land, material, right-of-way, or interest is appraised by the court in which the description is filed. Upon agreement and approval, the owner, guardian, or parent, as the case may be, shall convey the premises purchased, in fee simple or otherwise, as the parties may agree, to the railroad corporation. The deed, when made, shall be valid in law.

(d) If the corporation does not agree with the owner of the land,

or with the owner's guardian, if the owner is incapable of contracting, concerning the damages sustained by the appropriation, the corporation shall deliver to the owner or guardian, if within the county, a copy of the instrument of appropriation. If the owner or the owner's guardian, in case the owner is incapable of contracting, is unknown or does not reside within the county, the corporation shall publish, in a newspaper of general circulation in the county, for three (3) weeks, an advertisement, concerning the substance of the instrument of appropriation.

(e) Upon filing an act of appropriation and delivery of a copy, or making the publication, the circuit court in the county where the land lies, upon the application of either party, shall appoint, by warrant:

(1) one (1) disinterested freeholder of the county; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana to appraise the damages which the owner of the land may sustain by the appropriation. One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land. The appraisers shall be duly sworn. They shall consider the injury that the owner may sustain by reason of the railroad. The appraisers shall return their assessment of damages to the clerk of the court, setting forth the value of the property taken or injury to the property which they assess to the owner, or owners separately, to be filed and recorded by the clerk. The corporation shall pay to the clerk the amount thus assessed, or tender the amount to the party in whose favor the damages are awarded or assessed.

(f) On making payment or tender in the manner required, it is lawful for the corporation to hold the interests in the lands or materials appropriated, and to use the materials on the roadway and within fifty (50) feet on each side of the center of the roadway. The cost of the award shall be paid by the corporation. On notice by any interested party, the court may order payment and enforce the payment by execution.

(g) The award of the arbitrators may be reviewed by the court in which proceedings may be had, on written exceptions filed by either party in the clerk's office within twenty (20) days after the filing of the award. Notice of filing of the arbitrators' award shall be given by the clerk of the court to all known parties to the action and their attorneys of record by certified mail. The period of exceptions shall run from and after the date of mailing. The court shall make an order as right and justice may require by ordering a new appraisal on good cause shown.

(h) Notwithstanding an appeal, the corporation may take possession of the property described in the exceptions, and the subsequent proceedings on the appeal only affect the amount of compensation to be allowed. If, prior to the assessment, the corporation shall tender to the owner (or the owner's guardian, if the owner is unable to contract) an amount equal to the award that was made, exclusive of costs, the costs of arbitration shall be paid equally by the corporation and the owner or guardian.

(Formerly: Acts 1852, IRS, c.83, s.15; Acts 1973, P.L.22, SEC.4; Acts 1973, P.L.23, SEC.3.) As amended by P.L.33-1989, SEC.7; P.L.113-2006, SEC.3.

IC 8-4-1-17

Eminent domain; conflicting claimants to compensation; judicial determination

Sec. 17. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the company, or take security for the same until it can determine who is entitled to the same, and shall direct to whom the same shall be paid, and may, in its discretion, order a reference, to ascertain the facts on which such determination and order are to be made.

(Formerly: Acts 1852, IRS, c.83, s.16.)

IC 8-4-1-18

Eminent domain; court appointed attorney for absentees or persons unknown

Sec. 18. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power, at any time, to amend any defect or informality in any of the special proceedings authorized by this chapter as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest, as it deems proper; and also to appoint other commissioners in the place of any who shall die or refuse or neglect or are unable to serve, or who may leave or be absent from the state.

(Formerly: Acts 1852, IRS, c.83, s.17.) As amended by P.L.62-1984, SEC.40.

IC 8-4-1-19

Eminent domain; stay of proceedings; perfecting defective title

Sec. 19. At any time after an attempt to acquire title by appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made. At any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and, if not in possession, to take possession of and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions and proceedings against the company, or any officer, agent or workman of such company, on account thereof, on such company paying into court a sufficient sum, as the court may direct to pay the compensation therefor when finally ascertained; and in every such case, the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

(Formerly: Acts 1852, IRS, c.83, s.18.)

IC 8-4-1-20

Financing of operations; loans and issue of security

Sec. 20. Such company may, from time to time, borrow such sums of money as they may deem necessary for completing or operating their railroad, and issue and dispose of their bonds for any amounts so borrowed, for such sums, and at such rate of interest as is allowed by the laws of the state where such contract is made, and mortgage their corporate property and franchises to secure the payment of any debt contracted by such company; and the directors of such company may confer on any holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding fifteen (15) years from the date of said bond, under such regulations as the company may adopt; and such company may sell their bonds, either within or without this state, at such rates and prices as permitted by law, and such sales shall be as valid as if such bonds should be sold at par value.

(Formerly: Acts 1852, IRS, c.83, s.19.)

IC 8-4-1-21

Alteration in lines

Sec. 21. If, at any time after the location of the track of such road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of such company that the line thereof may be improved, such directors may, from time to time, alter the line, and cause a new map to be filed in the office where the map showing the first location is filed, and may thereupon take possession of the lands embraced in such new location that may be required for the construction and maintenance of such road on such new line, either by agreement with the owner or by such proceedings as are authorized under this chapter, and use the same in place of the line for which the new is substituted. But nothing in this chapter shall be so construed as to confer upon any railroad company already incorporated, any powers to locate its road on any route which would not have been authorized by the charters previously granted. And nothing in this chapter contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city; nor shall the company have power so to change their road as to avoid any point named in their articles of association.

(Formerly: Acts 1852, IRS, c.83, s.21.) As amended by P.L.62-1984, SEC.41.

IC 8-4-1-22

Railroad crossings; grade separation

Sec. 22. Whenever the track of such railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be most expedient; and in cases where an embankment

or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained, in the manner in this chapter provided, as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands; and the same, when so taken and compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of such highway may be held for highway purposes.

(Formerly: Acts 1852, IRS, c.83, s.22.) As amended by P.L.62-1984, SEC.42.

IC 8-4-1-23

Public lands; acquisition; location upon grounds of state institutions

Sec. 23. If any corporation shall, for its purposes aforesaid, require any land belonging to the state or to any county or town, the general assembly and the county and town officers respectively having charge of such lands may grant such lands to such corporation upon such terms as shall be agreed upon; and if they shall not so agree, the same may be taken by the corporation in the same manner as provided in other cases. No railroad shall be located upon or across the grounds of the state occupied by the institutions for individuals who are:

- (1) insane;
- (2) blind; or
- (3) deaf and without speech.

(Formerly: Acts 1852, IRS, c.83, s.23.) As amended by P.L.99-2007, SEC.32.

IC 8-4-1-24

Employees; identification badges

Sec. 24. Every conductor, baggagemaster, engineer, brakeman, or other servant of any such railroad corporation, employed on a passenger train or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office and the initialed letters of the style of the corporation by which he is employed. No collector or conductor, without such badge, shall demand or be entitled to receive from any passenger any fare, toll or ticket, or exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger or property.

(Formerly: Acts 1852, IRS, c.83, s.24.)

IC 8-4-1-25

State lien for penalties, taxes, and dues

Sec. 25. The state shall have a lien upon all railroads of such

corporations and their appurtenances and stock therein for all penalties, taxes and dues which may accrue to the state from such corporations; which lien of the state shall have precedence of all demands, judgments or decrees against said corporations. And the citizens of this state shall have a lien upon all personal property of said corporations, to the amount of one hundred dollars (\$100), for all debts originally contracted within this state, which, after said lien of the state, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages against such corporations. (Formerly: Acts 1852, IRS, c.83, s.26.)

IC 8-4-1-26

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-27

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-28

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-29

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-30

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-31

Maps and profiles; certificates of proposed line; filing

Sec. 31. Every corporation shall, within a reasonable time after their road shall be located, cause to be made:

First. A map and profile thereof, and of the land taken and obtained for the use thereof, and file the same in the office of the secretary of state; and also like maps of the parts thereof located in different counties, and file the same in the office of the clerk of the county in which said parts of said road shall be, there to remain as of record forever.

Second. A certificate specifying the line upon which it is proposed to construct the railroad, and the grades and curves.

(Formerly: Acts 1852, IRS, c.83, s.33.)

IC 8-4-1-32

Failure to complete road; voiding of corporation

Sec. 32. If any such corporation shall not, within three (3) years after its incorporation, begin the construction of its road, and expend thereon five (5) per cent of the amount of its capital, and finish the

road and put it in full operation in ten (10) years thereafter, its act of incorporation shall become void.

(Formerly: Acts 1852, IRS, c.83, s.34.)

IC 8-4-1-33

Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 8-4-1-34

Amendment or repeal of chapter

Sec. 34. This chapter may be amended or repealed at the discretion of the legislature.

(Formerly: Acts 1852, IRS, c.83, s.37.) As amended by P.L.62-1984, SEC.43.

IC 8-4-1-35

Stockholders; personal liability for labor

Sec. 35. The stockholders shall be individually liable to laborers, their executors, administrators and assigns for all labor done in the construction of said road and shall remain unpaid after the assets of the corporation shall have been exhausted.

(Formerly: Acts 1852, IRS, c.83, s.38; Acts 1865(ss), c.25, s.1.)