

**IC 8-4-26**

## Chapter 26. Settlement of Railroad Mortgages

**IC 8-4-26-1****Notice; procedure**

Sec. 1. If any railroad company has heretofore executed, or may hereafter execute, any mortgage upon the whole or any portion of their road, it shall be lawful for such company, with the consent of persons owning a majority of the capital stock of such company, to settle and compromise with such mortgagees, and release and convey to such mortgagees or creditors for whose benefit such mortgage is or may be held such part of the road mortgaged, and upon such terms as may be agreed upon; and thereafter such vendees, by such name as they may assume, shall possess, own, and enjoy all the rights, privileges and immunities of said company over the part of the road so conveyed; and no act or omission of the company making the conveyance shall work a forfeiture of their franchises over that part of the road so conveyed. And such vendees, by the name by them assumed, shall be a body corporate and politic, with the rights, privileges, franchises and immunities as aforesaid, and may issue stock not exceeding twenty thousand dollars (\$20,000) per mile, and sell the same, and issue certificates therefor, which shall be assignable upon such terms as they may prescribe; and if from any cause there shall be any failure of the title to any right of way, or when the title thereto has not been acquired, upon which any railroad of this state is now constructed, it shall be lawful for the company owning the road, or for the party owning such lands upon which any part of the road is constructed, to apply to the proper court for the writ of assessment or damages, and have the damages which the owner of said property has sustained or may sustain by reason of the taking, use and occupancy thereof by the company for the construction and maintenance of said road; and upon assessment and payment by the company of the damages which may be assessed or awarded, the title to such property shall vest absolutely in the company for the purposes of said railroad; and the business of no road actually constructed shall be obstructed by reason of any such defect of title to any part of the property upon which it may be built, unless there shall be default in the payment of money awarded after the verdict shall have been rendered and judgment thereon; but every company, having actually constructed and having in operation said road shall be entitled to maintain the same and avail itself of the privilege of this section, whenever, from any cause, its right of way for the track occupied is not perfect and absolute: Provided, That no such compromise or conveyance shall be made until thirty (30) days' notice has been given of the intention so to do, by publication in some newspaper published in this state in the county in which the principal office of such company is kept.

*(Formerly: Acts 1855, c.81, s.1.)*