

for the purpose of avoiding annoyance to public travel, or dangerous, or difficult curves or grades, or unsafe, or unsubstantial grounds or foundations, for other reasonable causes, to change the location or grade of any portion of its road, whether heretofore made, or hereafter to be made, such railroad company shall be, and is hereby authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company; and for the purpose of making any such change in the location and grades of any such road as aforesaid, such company shall have all the rights, powers and privileges to enter upon, and take, and appropriate such lands, and make surveys necessary to effect such changes and grades, upon the same terms, and be subject to the same obligations, rules and regulations as are prescribed by law, and shall also be liable in damages, when any have been caused by such change, to the owner or owners of the lands upon which said road was heretofore constructed, to be ascertained and paid, or deposited as aforesaid; but no damages shall be allowed, unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or sixty days' notice by publication in some newspaper in general circulation in the county, if non-resident; provided, that when any condemnation shall have been made and confirmed, under this, or preceding sections, the said condemnation shall be finally binding upon the company, unless within thirty days they elect to abandon said location.

1876, ch. 242, sec. 18.

**169.** If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation, or public officer, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley, or other public way or ground, such company may appropriate so much of the same as may be necessary for the purposes of such road, in the same manner and upon the