

CH. 18.]

CHAPTER VI.

[H. F. 229.]

DUTIES OF RAILROAD COMPANIES HAVING TERMINI AT OR  
NEAR COUNCIL BLUFFS.

FEBRUARY 26. AN ACT Requiring specified Acts and Duties of Railroad Companies, and providing certain Remedies for the Enforcement of the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That all railroad companies, their successors, assigns, or lessees, that have been, or may hereafter be incorporated under the laws of the State of Iowa, that operate, or may hereafter operate a line of railroad in this State, terminating at or near the city of Council Bluffs, in the State of Iowa, and making a connection with any railroad, which, either by its charter or otherwise, extends to a point on the boundary, or within the limits, of the State of Iowa, be and they are hereby prohibited from making any transfer of freights, passengers, or express matters, to or with any other railroad company, at or near such terminus—either by delivering or receiving the same—at any other place than in the State of Iowa, at or near the said point at which the said railroad, extending to the boundary of the State of Iowa, terminates.

Railroads terminating at or near Council Bluffs, when prohibited from making transfers except within this State.

Same with reference to companies coming to or into State.

**SEC. 2.** Every railroad company, its successors, assigns, or lessees, which, by its charter or otherwise, has its terminus at any point on the boundary or within the limits of the State of Iowa, or which has authority to bridge or ferry the Missouri river, for the purpose of having a continuous line of its road, and for connecting with other railroads in the State of Iowa, is hereby prohibited from making any transfer of freights, passengers, or express matters to, or with, any other railroad company, either by delivering or receiving the same at any other place than in this State, at or near its legal terminus; and every such company, extending to the boundary, or within the State of Iowa, or having the authority to bridge or ferry said Missouri river, shall erect and maintain, at or near its legal terminus, within the limits of the State of Iowa, all its depots, stations, and other buildings necessary for such transfer.

R. R. cos. prohibited from violating contracts with municipal corporations;

**SEC. 3.** Every railroad company, its successors, assigns, or lessees, which has heretofore made, or which shall hereafter make, any contract with any municipal corporation in this State, is hereby prohibited from, in

any manner, violating any of the provisions of such contract; and every railroad company, its successors, assigns, or lessees, which has heretofore made, or which shall hereafter make, any contract with any municipal corporation in this State, is hereby required to perform each and all of the provisions of any and every such contract, specifically as agreed therein, and it is hereby made its duty so to do. In every case in which any such municipal corporation has complied with its obligation relating to such contract at any stage of the progress of its fulfillment, so far as it has agreed to do, such municipal corporation shall not be required to furnish any further tender or guarantee of compliance on its part, in order to secure its rights in the courts; but in case anything remains to be done by such municipal corporation under such contract, after the completion of the same on the part of the railroad company contracting therewith, then it shall, after the enforced compliance on the part of such company as hereinafter provided, be required to fully comply on its part.

and required to perform them.

Municipal corporations not required to guarantee compliance with contract, when.

When required to comply.

SEC. 4. In case of a refusal of any railroad company, its successors, assigns or lessees, to comply with the provisions of section one of this act, or its failure to perform the duties required in the last preceding section, or their doing, or having done, any act at variance with such performance or duties, then the municipal corporation affected thereby, or with which the contract, in that particular case, was made, may, in an action by mandamus, in any court of record in the county in which such municipal corporation is situated, proceed against such company so failing or refusing, and such company shall, on proper proof, be required by such court to perform all the duties required by this act; and the general law for the action of mandamus, in force in this State, shall apply in such a case with the same force that it does in all other cases in which it is applicable, except as it is herein enlarged.

Proceedings in case of violation of act by R. R. companies.

Mandamus law to apply.

SEC. 5. In case any municipal corporation, affected as before stated, or with which any such contract has been made, should not desire to seek the remedy given in the last preceding section of this act, it may proceed in equity by the action of specific performance, in any court, in the county in which such municipal corporation is situated, having jurisdiction in equity, and in case such court should find that a contract had been made, it shall by decree require such company, so violating, or offering to violate its contract or failing, or refusing to perform the provisions thereof, to specifically perform the same.

Proceeding in equity.

Decree of court.

Any court or judge may enjoin violation of act or contract.

Bonds not required of municipal corporations.

SEC. 6. Any court or judge, in this State, to whom application shall be made, shall at the suit of any municipal corporation, as aforesaid, restrain, by injunction, the violation of any provisions of this act, or of the provisions of any contract as aforesaid; and in such proceeding, it shall not be necessary for such municipal corporation to give a bond.

Remedies not exclusive.

SEC. 7. The remedies provided for in this act shall not be construed to be exclusive.

Enforcement of order of court.

SEC. 8. Any order, decree, or judgment, made by any court, in pursuance of any of the provisions of this act, shall be enforced in the usual manner.

Construction of terms.

SEC. 9. The words "railroad company, or companies," in this act, shall be construed to mean, also, the officers, agents, or employees of such company, or companies.

In force when.

SEC. 10. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the State Register, a newspaper published at Des Moines, Iowa, and in the Council Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa.

Approved, February 26th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, February 27, and in *The Daily Nonpareil*, of Council Bluffs, February 29, 1872.

ED WRIGHT, *Secretary of State.*

CH. 24.]

CHAPTER. VII.

[H F. 74.]

CITY AND TOWN MARSHALS AND POLICE.

FEBRUARY 28. AN ACT to Amend Section 1103 of the Revision of 1860.

Revision: § 1103 amended.

Marshals and police to be elected by councils of towns and second class cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1103, of the Revision of 1860, is hereby amended by striking out of the second line of said section the following words: "A City Marshal, who shall hold his office for one year," and by adding to said section the following words, to-wit: "In all such cities, and in all incorporated towns having a population of one thousand inhabitants and upwards, the marshal, deputy marshal, and police shall be elected by the town