

brakes, and steps for the safety of persons getting on and off said car, said steps shall be equipped with a suitable rod, board, or other guard at each end and at the back thereof, properly designed to prevent slipping from said step. Said caboose shall be provided with cupola, and necessary closets and windows. And be it further enacted that each caboose car be equipped with an emergency air valve, and air gage which shall be placed on inside of said car. Provided that the provisions hereof shall not apply to work trains, transfer service or emergencies not exceeding thirty-six hours.

SEC. 3. **Cabooes now in use.** Whenever any such caboose cars or other cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carriers within this state, unless it be equipped as provided in section 2 of this act.

SEC. 4. **Reasonable extension of time.** That the state railroad commission is hereby authorized to give to any common carrier aforesaid, upon full hearing, and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act; provided that in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

SEC. 5. **Penalty.** Any common carrier as provided in section 1 of this act violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Approved April 15, A. D. 1911.

CHAPTER 94.

COMMERCE COUNSEL.

H. F. 103.

AN ACT to establish the office of commerce counsel and defining the powers and duties of the same. [Additional to chapter six (6) of title ten (X) of the code, relating to the board of railroad commissioners.]

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

SECTION 1. **Appointment—term—removal.** That there is hereby created and established the office of commerce counsel, which shall be filled by an attorney of the state of Iowa, who shall be appointed by the board of railroad commissioners, subject to the approval of two-thirds (2-3) of the members of the senate in executive session. During the session of the thirty-fourth general assembly, and every four years thereafter, an attorney shall be appointed as said commerce counsel, whose term of office shall be for a period of four (4) years commencing on the first (1) day of July in the year appointed, or until his successor is appointed and qualified. The board of railroad commissioners may, by and with the consent of the senate, during a session of the general assembly, remove said counsel for malfeasance or non-feasance in office, or for any cause that renders him ineligible for appointment, or incapable or unfit to discharge the duties of his office; and his removal, when so made, shall be final. A vacancy in said office occurring while the general assembly is in session, shall be filled for the unexpired term, by an appointment made by the board of railroad commissioners, with the approval of two-thirds (2-3) of the members of the senate in executive session. If the general assembly is not

in session, then the said vacancy shall be filled by an appointment made by the board of railroad commissioners, which appointment shall expire thirty (30) days from the time the next general assembly convenes.

SEC. 2. Eligibility. No person in the employ, or owning any bonds, stock or property in, or who has, in any way or manner, pecuniary interest in any corporation, or business subject to the jurisdiction of the state board of railroad commissioners or interstate commerce commission, shall be eligible to said office; and the entering into the employ of, or acquiring of any stock or other interest in, any such corporation or business by said attorney, after his election or appointment, shall disqualify him from holding said office or performing the duties thereof. Said commerce counsel shall not engage in any other business, vocation or employment, than herein specified; nor shall he be a member of any political committee, or contribute to any political campaign fund, or take any part in political campaigns or be a candidate for any political office, during his term as commerce counsel.

SEC. 3. Office—salary—assistants—rate clerks—traveling expenses. Said commerce counsel shall have his office in the quarters assigned to the board of railroad commissioners and he shall have free access to all the files, documents, reports and papers in said offices. He shall have the power and authority to appoint and remove, subject to the approval of the board of railroad commissioners, assistants, stenographers and rate clerks to assist him in the performance of his duties, the salaries and expenses of said employes to be paid out of the funds at the disposal of the board of railroad commissioners and subject to the order of said board. The annual salary of the said commerce counsel shall be five thousand dollars (\$5000.00). Compensation of all assistants, stenographers and rate clerks shall be fixed by the board of railroad commissioners. The commerce counsel and other necessary agents and experts shall have reimbursed to them all the actual and necessary traveling, and all other expenses and disbursements incurred or made by him in the discharge of his official duties, such expenditures to be approved by the board of railroad commissioners, and paid out of such funds as shall be appropriated for said purpose by the general assembly.

SEC. 4. Appropriation. There is hereby appropriated from any funds in the state treasury, not otherwise appropriated, sufficient amount thereof to pay the salary of said commerce counsel.

SEC. 5. Duties. It shall be the duty of the commerce counsel to diligently investigate the reasonableness of the rates charged, or to be charged for services rendered, or to be rendered by the railroad companies, express companies, and all other individuals, parties, or corporations, subject to the jurisdiction of the said board of railroad commissioners, and it shall also be his duty to diligently investigate the reasonableness of the rates, charges, rules and practices of common carriers on interstate transportation, and whenever he is so directed by the board of railroad commissioners, or whenever in the judgment of the said attorney, any of the said rates, charges, rules or practices are undue, unjust, unreasonable, unlawful, unduly prejudicial, or unjustly discriminatory against any of the citizens or industries of the state of Iowa, it shall be the duty of the said attorney, if they pertain to intrastate business, to institute proceedings relative to said matters and to prosecute the same before the board of railroad commissioners; if they concern interstate transportation, he shall assist the board of railroad commissioners, when so directed by the said board, and in such manner as the said board shall specify, in the prosecution of cases involving said matters before the interstate commerce commission.

SEC. 6. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 95.

SWITCHING SERVICE.

H. F. 523

AN ACT to amend section twenty-one hundred twenty-five (2125) of the code and section twenty-one hundred forty-five (2145) of the code defining switching service by railway carriers and giving the railroad commissioners certain powers therein.

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

SECTION 1. **Switching service defined.** That section twenty-one hundred twenty-five of the code be and the same is hereby amended by adding to said section after the word "commissioners" at the end of said section the following:

"The switching service of common carriers is hereby defined to be the shifting of loaded or empty cars from one main line or siding to another main line or siding at an industry, or at a group of industries, or at a station, village or city and within its industrial vicinity, as may be defined by the board of railroad commissioners, by means of switches and connecting tracks."

SEC. 2. **Schedule of reasonable charges.** That section twenty-one hundred forty-five of the code be and the same is hereby amended by adding to said section after the word "therefor" at the end of said section the following:

"Provided, however, that nothing in this section shall be so construed as to prevent railroad companies or the board of railroad commissioners from establishing schedules of reasonable charges applicable to switching services only, and which shall be independent of any schedule of charges which may be provided for the regular line haul freight service of common carriers."

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

Approved April 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 12, 1911.

W. C. HAYWARD,
Secretary of State.