

The commerce counsel shall be the legal adviser of the railroad commissioners, and it shall be his duty 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, or of other individuals, parties, or corporations, subject to the jurisdiction of said board of railway 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, whenever directed by the board of railroad commissioners or whenever in his judgment any of said rates, charges, rules, or practices are undue, unjust, unreasonable, unlawful, unduly prejudicial or unduly discriminatory against any of the citizens or industries of the state of Iowa. It shall be his duty, if they pertain to intrastate business, to institute proceedings relative to such matters before said board of railroad commissioners and to prosecute same to final determination before said board or to any court to which same may be taken.

If they concern interstate transportation, it shall be his duty whenever in his judgment such action is necessary or whenever directed by the railroad commission to institute proceedings before the interstate commerce commission and prosecute the same to final determination before said commission or in any court to which same may be taken.

It shall also be his duty to act as attorney for and represent the board of railroad commissioners in all of the courts of this state or of the United States in which the validity of any order of said board is an issue.

It shall be the duty of said commerce counsel also in all cases before the railroad commissioners in which any person or persons have filed complaint against any person, firm or corporation over which the state board of railroad commissioners has jurisdiction to appear for and in behalf of such person or persons so filing such complaint.

It shall also be his duty to institute and prosecute in any of the courts any and all suits necessary to the proper enforcement of any rule or order of said railroad commissioners or to make defense therein whenever said rule or order may be called in question, provided that the duty here enjoined upon the commerce counsel [counsel] shall not be construed to in any wise limit or abridge the authority or jurisdiction of the attorney general.

Approved April 19 A. D. 1913.

## CHAPTER 178.

### ELEVATORS AND OTHER BUILDINGS ON RAILROAD LANDS.

H. F. 298.

AN ACT relating to elevators and warehouses [,] coal sheds, ice houses, buying stations, flour mills and other buildings on railroad land, and prescribing methods and conditions of procuring and holding sites therefor, and liability for loss or destruction thereof. [Additional to chapter five (5) of title ten (X) of the code relating to construction and operation of railways.]

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

SECTION 1. **Disagreements adjusted by railroad commissioners.** That whenever a disagreement arises between the owner of an elevator or grain warehouse, coal shed, ice house, buying station, flour mill, or any other building used for receiving, storing or manufacturing any article of commerce transported or to be transported, situated on a railroad' right of way, or on land owned or controlled by a railroad company, and such railroad company, as

to the terms and conditions on which the same is to be continued thereon, or removed therefrom, or whenever application is made by any person, firm or corporation for the right to a site for such elevator or grain warehouse, coal shed, ice house, buying station, flour mill, or any other building used for receiving, storing or manufacturing any article of commerce transported or to be transported, and such railway company and said applicant cannot agree as to whether said elevator or grain warehouse shall be so placed on said right of way or on property owned or controlled by the railroad company, or as to the character of the buildings to be erected and placed thereon, or the place where the same is to be so erected and maintained, or as to the terms and conditions under which the same may be so placed or operated, then, and in every such event on written application to the board of railroad commissioners by such railroad company, person, firm or corporation the said board of railroad commissioners shall have authority, and it is hereby made their duty, as speedily as possible after the filing of such application, to hear and determine such controversy, and make such order in reference thereto as shall be just and right between the parties under all the facts in the case, which order shall be enforced as other orders of said commission.

**SEC. 2. Railroad company's liability defined.** In the event that any elevator, warehouse, coal shed, ice house, buying station, flour mill or any other building used for receiving, storing or manufacturing any article of commerce transported or to be transported, situated on the right of way or other land of a railroad company shall be injured or destroyed by the negligence of any railroad company, or the servants or agents of any railroad company in the conduct of the business of such company, the railroad company so causing such injury or destruction shall be liable therefor to the same extent as if such elevator, warehouse, coal shed, ice-house, buying station, flour mill or any other building used for receiving, storing or manufacturing any article of commerce transported or to be transported was not situated on the right of way or other land of such railroad company, any provision in any lease or contract to the contrary notwithstanding.

Approved April 17 A. D. 1913.

## CHAPTER 179.

### RAILWAY FREIGHT CLAIMS.

S. F. 52.

AN ACT requiring common carriers to settle claims for delay in delivering freight or injury or loss of freight in transit or for excessive freight rates within a specified time, and providing a penalty for failure to comply therewith. [Additional to chapter five (5) of title ten (X) of the code relating to operation of railways.]

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

**SECTION 1. Damages—excessive rates—adjustment within certain time.** That every claim for loss of or damage to property while in the possession of any common carrier, or for delay in delivering freight or baggage or express, or for a charge in excess of the legal and regular charge for the service rendered shall be adjusted and paid within forty days in case of shipments wholly within this state, and within ninety days in case of shipments from