

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

without the state after the filing of such claim with the agent or agent's carrier at the point of destination of each shipment, provided that no such claim shall be filed until after the arrival of the shipment or of some part thereof at the point of destination or until after the lapse of a reasonable time for the arrival thereof, and provided further that if such claim is not filed within 60 days from the time it accrues, the penalty provided in this act shall not apply.

SEC. 2. Failure to adjust—penalty. Failure to adjust and pay such claim, within the period herein prescribed shall subject the common carrier, so failing, to the penalty of a sum which in amount shall be equal to the amount of the claim originally filed, provided however that it shall in no case be less than \$25 or more than \$100 for each and every failure, to be recovered by the party aggrieved, in any court of competent jurisdiction, provided further that said claim shall be filed in proper form, including such information possessed by the claimant, as will aid in establishing his claim. The penalty shall not apply unless the claimant shall recover the full amount claimed by him, nor when the claim exceeds \$500.00.

SEC. 3. One claim for each shipment. The claimant shall not be permitted under this act to divide his claims arising from loss, damage or injury to one shipment or consignment of goods but only one claim within the meaning of this act shall be filed for one shipment.

Approved March 25 A. D. 1913.

CHAPTER 180.

TRANSPORTATION OF LIVE STOCK.

H. F. 78.

AN ACT to amend the law as it appears in section twenty-one hundred and fifty-seven-s (2157-s) supplement to the code, 1907, relating to the transportation of live stock.

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

SECTION 1. Duty of common carrier of freight—burden of proof. That the law as it appears in section twenty-one hundred and fifty-seven-s (2157-s) supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

“The burden of proof that cars of live stock are so moved shall be upon the carrier, and proof that such cars were moved according to schedule or time table shall not be prima facie evidence that they were moved at the highest practicable speed consistent with reasonable safety.”

Approved March 21 A. D. 1913.