

Sec. 16. Changes without notice. The board, for good cause shown, may allow changes without requiring said thirty days' notice by an order specifying the changes to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 17. Indicating changes. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the board, by some character immediately preceding or following the item.

Sec. 18. Schedule charge mandatory - refunds and discrimination. No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the board as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

Sec. 19. Power to revise rates. Whenever there shall be filed with the board any schedule, stating an individual or joint rate, the board shall have power, either upon complaint or upon its own motion, at once, and, if it so orders, without answer or formal pleadings by the interested common carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate.

Sec. 20. Suspension of rates. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty (120) days beyond the time when such rate would otherwise go into effect, unless the board, in its discretion, extends the period of suspension for a further period of not exceeding thirty (30) days.

Sec. 21. Decision. On such hearing the board shall establish the rates, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable.

Sec. 22. When rates effective. All such rates not so suspended shall, on the expiration of thirty (30) days from the times of filing the same with the board or of such less time as the said board may grant, go into effect and be the established and effective rates, subject to the power of the board after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 23. Posting and filing of revised schedules. After such changes have been authorized by the board, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the board.

Approved February 20, 1924.

#### CHAPTER 138

#### INTERURBAN RAILWAYS

H. F. 200

AN ACT to amend, revise, and codify sections five thousand ten (5010), fifty-two

hundred thirty-nine (5239), fifty-two hundred forty (5240), fifty-two hundred forty-two (5242), fifty-two hundred forty-three (5243), fifty-two hundred forty-five (5245), fifty-two hundred forty-six (5246) and fifty-two hundred forty-nine (5249) of the compiled code of Iowa, relating to interurban railways.

Be It Enacted by the General Assembly of the State of Iowa:

That sections five thousand ten (5010), fifty-two hundred thirty-nine (5239) and fifty-two hundred forty (5240) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Interurban or street railway on highway. Any interurban or street railway operated by any motive power other than steam, may build and operate its line over, along, and upon any public highway which is not less than one hundred (100) feet wide, outside the limits of any city or town. The board of supervisors may, without expense to the county, accept conveyances of real estate abutting on any highway or any part thereof, for the purpose of increasing such highway or part thereof to the width of one hundred (100) feet or more for said purposes.

Sec. 2. Where highway cannot be widened. When the board of supervisors shall find that it is not practicable or expedient to widen a highway to one hundred (100) feet or more for the purpose aforesaid and when there is filed with the county auditor the written consent of two-thirds ( $\frac{2}{3}$ ) of the residents of the county owning real estate abutting upon the portion of the highway upon and along which it is proposed to go build and operate such railway, the board may grant the right to build and operate such line upon and along the portion of such highway to which such written consent applies.

Sec. 3. Written consent not waiver of damages unless expressed. The signing of written consent as provided in the preceding section shall not be a waiver of any damages which may accrue to any owner of abutting land on account of the building and operation of such railway upon and along such highway, or resulting from the negligence of any officer, agent, or servant of such railway company in the building or operation of such railway.

Unless the owners of land abutting each side of said road shall make written waiver of any damages, the railway company shall pay all damages sustained by such abutting owners caused by building said road. If the parties cannot agree, the amount of such damages shall be ascertained and paid in the same manner as is provided for taking private property for works of internal improvement.

Sec. 4. When highway not less than sixty feet wide. The board of supervisors may without such written consent grant the right to such interurban or street railway company to build and operate its line for a distance not exceeding two (2) miles outside the limits of any city or town upon and along any highway not less than sixty (60) feet wide.

Sec. 5. Right subject to regulations. All rights to build and operate any such railway upon and along any public highway shall be subject to such restrictions and regulations as shall be prescribed from time to time by the board of supervisors. The construction and operation of such railway shall be so conducted as to cause the least interference with the convenient use of such highway by the public, and such highway shall, as soon as practicable, be placed in as good condition as it was before the location of such railway thereon.

Sec. 6. Eminent domain to apply. All questions as to damages sustained by owners of land abutting on a highway along and upon which has been constructed such railway, shall be subject to proceedings relating to eminent domain.

Sec. 7. Cities and towns may grant franchise. Cities and towns under any form

of government may, as provided by law, authorize or forbid the construction and operation of such railways upon, over or along the streets, alleys, and public grounds within their limits and prescribe the conditions and regulations for such construction and operation. The right to operate as a street railway shall not be granted for a period exceeding twenty-five (25) years.

Sec. 8. Contracts and other provisions not impaired. Nothing in the preceding section shall impair the obligation of contracts of any city under any form of government or town entered into prior to the eighth day of April, nineteen hundred two (1902), nor affect any provisions of law relating to free or reduced or discriminating rates of transportation.

That sections fifty-two hundred forty-two (5242), fifty-two hundred forty-three (5243), and fifty-two hundred forty-five (5245) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 9. Use of terminal facilities. Any person or corporation owning or operating an electric street railway in any city or town, shall permit the use of its tracks, poles, wires, and terminal facilities within such city or town by any interurban railway entering such city or town for interurban business only in the transportation of passengers, mail, express, and baggage in passenger or in combination baggage cars, but shall not be required to permit the use of its car houses or barns by such interurban railway.

Sec. 10. Street railway to furnish power - conditions. When the power plant of a street railway is sufficient therefor and during the hours its street cars are in operation, and to the extent it can do so without interference with its own traffic, it shall furnish power for the operation of interurban passenger and combination baggage cars on such portions of such street railway tracks as such interurban railway has the right to use. It shall have preference in the use of its own power and tracks so that its cars shall not be delayed in transit.

Sec. 11. Interurban to furnish facilities and power. Any interurban electric railway company carrying on a street railway business in a city or town shall furnish to any other interurban electric railway company entering said city or town, for interurban purposes only, the same privileges and facilities which an electric street railway is required to furnish under the two (2) preceding sections.

Sec. 12. Compensation - disagreement - proceedings. Any interurban railway company shall pay a reasonable compensation for the privileges and facilities furnished to it by a street railway company and in case of disagreement as to the facilities to be furnished or the conditions for their use or the compensation therefor, the question shall be submitted to and heard and determined by the board of railroad commissioners, on petition of either party, and on ten (10) days' written notice of such hearing served on the opposite party. Any order made by the board or the court on appeal shall be subject to review and modification from time to time on ten (10) days' written notice by either party setting forth the grounds of the application.

Sec. 13. Right of appeal - notice. Either party shall have the right to appeal from any order or decision of the board to the district court of the county in which the street railway is located, within twenty (20) days from the date of the order or decision, by serving written notice of appeal on the other party and filing the same with proof of service with the secretary of the board. Such secretary shall forthwith make and file in the office of the clerk of said court a transcript of the petition and such other documents as are on file in said cause, including the order or decision and notice of appeal.

Sec. 14. Trial term - manner of trial. The appeal shall be tried in equity

and have precedence over all other civil causes. The first term after the transcript is filed shall be the trial term. No appeal shall suspend the order or decision appealed from, if the interurban company on whose behalf the order or decision is made shall file with the secretary of the board, a bond with sureties approved by the board, conditioned for the payment of any judgment for costs and compensation and for obedience to any order or decree of the court.

Sec. 15. Exception - provisions not applicable when. Any interurban railway company doing a street railway business on its own tracks in a city or town, may, for the purpose of completing a terminal loop for its interurban cars only, acquire under the foregoing provisions the use of so much of the track, poles, and wire of a street railway as shall be necessary for said purposes.

That sections fifty-two hundred forty-six (5246) and fifty-two hundred forty-nine (5249) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 16. Water supply- eminent domain. Any interurban railway company requiring an electric generating plant for its operation, shall have the power of eminent domain to acquire, by condemnation, the right of access to all necessary streams or other sources for the purpose of supplying its power house with water, and of making the necessary changes and improvements, and to repair or renew the same from time to time, in such streams, or upon the lands from which it is to obtain said water supply, in the same manner provided by law for the taking of private property for works of internal improvement. Such company shall pay to the owner of any lands or water rights, all damages arising out of the exercises of such right.

Sec. 17. Limitations - conditions. In exercising such right, the owner of any water right or supply shall not be deprived of access thereto or the use thereof in common with such railway corporation, and no dwelling house or other buildings, orchard, or garden shall be overflowed or injuriously affected.

Sec. 18. Proceedings to acquire. Before proceeding to condemn any property rights to acquire or reach a water supply, such railway company shall make written application to the board of railroad commissioners, accompanied by a drawing showing in detail the land required, the water supply to be obtained and the changes and improvements to be made, and giving the names and addresses of all persons whose rights will be affected thereby.

Sec. 19. Notice of application - expense. Such board shall forthwith give written notice to all persons whose rights will be affected by the proposed changes, of the date on which a hearing will be had on said application. If upon examination into the matter the board finds that any rights of the public will be affected by such improvements, it shall give such notice as it deems sufficient to advise the public thereof. Any person having any interest may file objections to the application. The expenses of all such notices shall be paid by the company or person making the application.

Sec. 20. Findings - certificate. If the board finds that such proposed changes or improvements are necessary and proper and the exercise of the power of eminent domain is reasonable, it shall grant the application as made or with such modifications as shall be proper and just, and file in the office of the clerk of the district court of the county in which the improvements are to be made, a certified transcript of the proceedings and order accompanied by plans and specifications showing in reasonable detail the land and water rights to be acquired for present and prospective use of such company, whereupon such company may proceed to acquire the same by condemnation, but shall not take possession of such property and water rights till the damages awarded by the condemnation commission have been deposited with the sheriff.

Sec. 21. Water supply - eminent domain. Except as in this chapter otherwise provided, all provisions relating to eminent domain conferring upon railway companies the right to condemn land for reservoirs and to enable them to reach and acquire sources of water supply and access thereto, shall apply to inter-urban railway companies for reaching and acquiring water supplies for their power plants.

Approved April 1, 1924.

## CHAPTER 139

### CORPORATE STOCK

H. F. 202

AN ACT to amend, revise, and codify sections fifty-three hundred seventy-seven (5377) and fifty-three hundred seventy-eight (5378) of the compiled code of Iowa, relating to corporate shares of stock.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-three hundred seventy-seven (5377) and fifty-three hundred seventy-eight (5378) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Amount paid - certificate void - penalty violation. No certificate or shares of stock shall be issued, delivered or transferred by any corporation, officer or agent thereof, or by the owner of such certificate or shares, without having indorsed on the face thereof what amount or portion of the par value has been paid to the corporation issuing the same, and whether such payment has been in money or property. Any certificate of stock issued, delivered or transferred in violation of this section when the corporation has not received payment therefor at par in money or property at a valuation approved by the executive council, shall be void, and the issuance, delivery or transfer of each certificate shall be considered a separate transaction. Any person violating the provisions of this section, or knowingly making a false statement on such certificate, shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall stand committed to the county jail until such fine and costs are paid.

Sec. 2. Certain corporations excepted. The preceding section shall not apply to railway or quasi-public corporations organized before the first day of October, eighteen hundred ninety-seven (1897).

Sec. 3. Stock payable in cash. No corporation organized under the laws of this state, except building and loan associations, shall issue any certificate of a share of capital stock, or any substitute therefor, until the corporation has received the par value thereof.

Sec. 4. Payment in property other than cash. If it is proposed to pay for said capital stock in property or in any other thing than money, the corporation proposing the same must, before issuing capital stock in any form, apply to the executive council of the state for leave so to do. Such application shall state the amount of capital stock proposed to be issued for a consideration other than money, and set forth specifically the property or other thing to be received in payment for such stock.

Sec. 5. Executive council to fix amount. The executive council shall make investigation, under such rules as it may prescribe, and ascertain the real value of the property or other thing which the corporation is to receive for the stock. It shall enter its finding, fixing the value at which the corporation may receive the