

as required in the last section, or who shall directly or indirectly receive, or be concerned in receiving any greater compensation for the service mentioned in the first section of this Act, than is therein provided, shall forfeit to the person aggrieved, for each offense the sum of fifty dollars, in a civil action in any Court having jurisdiction.

Approved April 8, 1862.

CHAPTER 169.

RAIL ROAD COMPANIES.

AN ACT in relation to the duties of Rail Road Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That each rail road company shall, when it has completed and opened its road for use, make a report under oath to the Legislature of this State, stating the total amount paid in; specifying the amount expended in constructing its road, for engines, cars, depots, car houses and other buildings, and the amount of all other miscellaneous expenses; such report shall also state the length of the road, the number of planes on it, with their inclination to the mile, the greatest curvature of the road, the average width of the grade and the number of ties per mile.

Report to
General As-
sembly.

SEC. 2. In the month of September annually, each rail road company shall fix its rates of fare for passengers and freights for transportation of timber, wood and coal, per ton, cord, or thousand feet, per mile, also its fare and freight per mile for transporting merchandise, and articles of the first, second, third and fourth grades of freight, and on the first day of October following, shall put up at all the stations and depots on its road, a printed copy of such fare and freight, and cause a copy to remain posted during the year. For wilfully neglecting so to do, or for receiving higher rates of fare or freight than those posted, the company shall forfeit not less than one hundred dollars nor more than two hundred dollars to any person injured thereby and suing therefor.

Fix rates of
Fare and
Freights.

Penalty.

SEC. 3. Where any rail road runs through any improved or fenced land, said rail road company shall make

Cattle guards.

proper cattle guards on such roads when they enter or leave such improved or fenced land.

Crossings.

SEC. 4. At any or all points where any rail road crosses any public highway, the company owning said rail road, shall, without unnecessary delay, construct good, sufficient and safe crossings.

Liable for damages.

SEC. 5. Any rail road company neglecting or refusing to comply with the provisions of Sections three and four of this Act, shall be liable for all damage sustained by any one, by reason of such neglect and refusal; and in order for the injured party to recover, it shall only be necessary for him to prove such neglect or refusal.

Liable for damages if road is not fenced.

SEC. 6. Any rail road company hereafter running or operating its road in this State, and failing to fence such road on either or both sides thereof against live stock running at large at all points where said roads have the right to fence, shall be absolutely liable to the owner any live stock injured, killed or destroyed, by reason of the want of such fence or fences as aforesaid, for the value of the property so injured, killed or destroyed, unless the injury complained of is occasioned by the willful act of the owner or his agent, and in the cases contemplated by this Section, in order to recover, it shall only be necessary for the owner of the property to prove the injury or destruction complained of: *Provided*, That in case the rail road company liable under the provisions of this section, shall neglect or refuse to pay the value of any property so injured or destroyed, after thirty days notice in writing given, accompanied by an affidavit of the injury or destruction of said property to any officer of the company, or any station or ticket agent employed in the management of its business in the County where the injury complained of shall have been committed, such company shall in an action brought to recover therefor, be held liable to pay double the value of the property injured, killed or destroyed as aforesaid.

Neglect of agents or employees.

SEC. 7. Every rail road company shall be liable for all damages sustained by any person, including employees of the company, in consequence of any neglect of the agents or by any mismanagement of the engineers or other employees of the corporation to any person sustaining such damage.

Suit may be commenced.

SEC. 8. In all cases of suits against rail road companies, the same may be instituted in any County through which the road of said company passes, and service made upon any station or ticket agent of said company, transacting the business of said company, shall be deemed sufficient notice.

SEC. 9. Any judgment recovered against any rail road company in this State, for any injury to persons or property, shall be a lien within the County where recovered, on the road, and real or other property of such company, and shall be prior and superior to the lien of any mortgage or trust deed which may be hereafter executed, except liens for taxes.

SEC. 10. Each and every rail road in this State, which has received grants of land to aid in the construction of its road, shall in time of war, insurrection or invasion, carry and transport troops and munitions of war, of this State, or of the United States, upon such roads, when by the State or United States authorized agent so required, free of charge. They shall also carry, free of charge, all wounded soldiers on their return to their respective homes.

SEC. 11. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved April 8th, 1862.

CHAPTER 170.

REPRESENTATIVE DISTRICTS.

AN ACT apportioning the State of Iowa into Representative Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That one Representative to eight thousand five hundred inhabitants, or fraction thereof exceeding one-half in each representative district, is hereby constituted the ratio of apportionment.

SEC. 2. Lee County is the first district, and entitled to three representatives.

SEC. 3. Van Buren County is the second district, entitled to two representatives.

SEC. 4. Davis County is the third district, entitled to two representatives.

SEC. 5. Appanoose County is the fourth district, entitled to one representative.

SEC. 6. Wayne County is the fifth district, entitled to one representative.

SEC. 7. Decatur County is the sixth district, entitled to one representative.