

A BILL

McCROID.]

[SENATE FILE NO. 26.

FOR AN ACT TO REGULATE TRANSPORTATION BY RAILWAYS WITHIN THIS STATE.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That each and
 2 every corporation, company or person owning or operating any line of railroad within this State,
 3 shall be subject to control in their operation of the same in the rates of freight and passenger
 4 tariff, and in all matters affecting such companies and the public all stipulations, agreements, laws,
 5 or rights in any manner by them secured, created or assigned to the contrary notwithstanding, and
 6 every such railway, corporation, company, or person shall be liable for any violation of the pro-
 7 visions of this act.

SEC. 2. That no such corporation, company, or person shall consolidate their line of railway,
 2 stock franchises, property, or effects with any other corporation, company, or person of like char-
 3 acter, whether organized under the laws of this or any other State, when such consolidation would
 4 in any manner hinder or prevent competition, or when by such consolidation two lines of railway,
 5 having a common terminus, or having two common stations or points of junction, shall become the
 6 property or under the control of one such consolidated corporation, and wherever such consolida-
 7 tion shall be unlawful as herein provided it shall be unlawful for any such corporations, compa-
 8 nies, or persons to lease or in any manner procure control of such lines.

SEC. 3. All articles of consolidation heretofore made of corporations, companies, or persons,
 2 as are made unlawful in the preceding section, shall expire and all rights thereunder shall revert to
 3 the several corporations which originally existed previous to such consolidation on the 1st day of
 4 January, A. D. 1876.

SEC. 4. Every corporation, company, or person operating a line of railway in this State,
 2 whether organized under the laws of this State or under the laws of another State, whether con-
 3 solidated from two companies, one in this and one in another State, or existing solely under the
 4 laws of this State, shall keep and maintain general offices and headquarters of such corporation,
 5 company, or person, in this State, with full and complete records, inventories, schedules of all
 6 property and all stock issued, all dividends made by said road, which said records shall be open
 7 to inspection by any citizen of the State at all reasonable hours and times, and shall be produced

8 in evidence upon subpoena therefor from any court of record of the State, and all general officers
9 of such companies shall be residents of the State of Iowa.

SEC. 5. It shall be unlawful for any such corporation, company, or person to combine, or
2 agree, or conspire together with any other such corporation owning or operating a line of railway
3 in or through this State to form a joint tariff, or pool, or by any other conspiracy or pretense to
4 defeat, hinder, or prevent competition between independent roads through or into this State, and
5 every such act, agreement, or pretense, shall be deemed a conspiracy under section 4087 of the
6 Code of 1873, and every such rate so agreed upon, demanded, charged, collected, or received, shall
7 be deemed as an extortion as hereinafter provided.

SEC. 6. That no such corporation, company or person shall charge, demand, collect, or
2 receive more than a fair and reasonable rate of toll or compensation for carriage of freight or pas-
3 sengers or for the use or transportation of any car between any two points or stations within this
4 State: such reasonable rate of toll or compensation shall be ascertained and fixed as hereinafter
5 provided.

SEC. 7. Every corporation, company, or individual operating a line of railway within or
2 through this State shall make out as now required by law a schedule of rates of freight and passen-
3 ger tariff of their whole line of railway, any part of which may be in this State, and shall report
4 a copy thereof to the Governor of the State six (6) months previous to the regular session of
5 each General Assembly, and the Governor shall submit the same to the General Assembly with his
6 biennial message, with such suggestions as he may see proper to make, and the General Assembly
7 shall review, revise, correct, or approve such schedule of rates and shall by act establish such
8 schedule so approved as the reasonable rate to be charged, demanded, collected or received, and
9 such schedule of rates so ascertained and fixed shall be and continue the maximum rates of
10 freight and passenger tariff for such road for and during the two succeeding years and until
11 changed by any succeeding General Assembly: *Provided*, That the Governor of the State may
12 extend or relieve from any manifest wrong thereby suffered, under the same restrictions and under
13 like circumstances so far as applicable as he may pardon, commute, or remit, fines, penalties, and
14 forfeitures.

SEC. 8. Any corporation, company or person, whether such person be acting for himself or
2 others, or as agents of any such corporation, demanding, charging, collecting or receiving more
3 than a reasonable rate of toll or compensation for the transportation of freight, passengers or cars
4 over or upon any line of railway as hereinbefore provided, shall be deemed guilty of extortion
5 under section 3950 of the Code of 1873, and shall forfeit and pay for each offense a sum not less
6 than five hundred nor more than five thousand dollars, to be recovered by action in the name of
7 the State of Iowa, in any district or circuit court of this State in the form of an ordinary action at
8 law for money due on contracts: and it shall be the duty of the district attorney for the proper

9 district to institute and prosecute all suits for the recovery of the penalty aforesaid. And the
10 corporation, company or person being guilty of such extortion, shall also be liable to the party
11 injured thereby for the damages caused by such extortion, including a reasonable sum for attorney's
12 fees to be fixed by the court trying the case, which such injured party may recover by action in
13 his own name in either of the courts aforesaid, and by the same form of action as provided to
14 recover the penalty ; and in said action any number of distinct and separate violations of this act
15 may be stated in separate counts, and recovery be had upon each. If upon trial of any such suit
16 brought either to recover said penalty or to recover damages as aforesaid, it shall be made to appear
17 that the defendant has charged, collected, demanded or received for the transportation of freight,
18 passengers or cars, a rate of toll or compensation greater than that fixed by the schedule afore-
19 said, then, and in that case, such defendant shall be deemed and held guilty of extortion, unless
20 such defendant shall show affirmatively that the rate charged, demanded, collected or received for
21 such transportation was nevertheless fair and reasonable.

SEC. 9. That in all cases where two or more persons, companies or corporations unite
2 together for the purpose of transporting freight or passengers over more than one line of roads,
3 any part of which may be in this State, the several lines thus operated together, shall be treated
4 for all purposes of this act as one line, and each and every such persons, companies and corpora-
5 tions shall be bound by the provisions of this act, and liable for any violation thereof.

SEC. 10. That it shall be the duty of the grand juries in the several counties of this State
2 to investigate and ascertain whether the provisions of this act are violated by any corporations,
3 companies or persons engaged in the business of transportation aforesaid, and for the purpose of
4 making such investigation shall have power to require by subpoena the officers of such companies
5 with records or any other evidence in their control, and whenever the said juries shall find a
6 cause of action to have occurred, it shall be the duty of the district attorney to institute the same
7 forthwith ; and the several district attorneys shall, whenever informed in any way that this act
8 has been violated, institute the necessary proceedings for enforcing the necessary penalties herein
9 provided.