

A BILL

FOR AN ACT REGULATING THE HANDLING OF FREIGHT IN CARLOAD LOTS BY RAILROAD COMPANIES, SHIPPERS AND CONSIGNEES, AND EQUALIZING CAR SERVICE CHARGES AND PENALTIES, FOR THE USE AND DETENTION OF CARS AND FAILURE TO FURNISH CARS AND TRANSPORT THE SAME.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That any railroad company using steam as a motive power and engaged as a common carrier in the transportation of freight in car load lots, upon the request of any shipper to furnish one or more freight cars to be loaded for shipment over the railroad operated by such railroad company, shall within forty-eight (48) hours thereafter, if the place named is a terminal point or seventy-two (72) hours thereafter if the place named is not a terminal point, Sundays and legal holidays excepted, place at the named loading point the car or cars so required, and for every delay of twenty-four (24) hours, or fraction thereof, on the part of such railroad company in not placing such car or cars at such loading point beyond said allowed period, such railroad company shall become indebted and on demand shall pay to such shipper the sum of one dollar for each and every car not so placed at such loading point within the time above named.

Sec. 2. Any railroad company mentioned in section one of this act upon receipt of notice from a shipper that one or more cars have been loaded by such shipper and are ready for delivery to such company at the place of loading thereof, to be carried on the road of such company towards the destination thereof, shall remove such car or cars from such loading point and forward the same toward destination within twenty-four (24) hours after receiving such notice, Sundays and legal holidays excepted; and for every delay of twenty-four (24) hours or fraction thereof, after the expiration of the period herein allowed for the removal thereof, such railroad company shall become indebted and on demand pay to such shipper the sum of one dollar for each and every car not so removed within the period herein provided.

Sec. 3. Any railroad company mentioned in section one of this act, which shall receive from a connecting railroad company one or more cars of freight consigned to any point on or beyond its line, within twenty-four (24) hours after such car or cars are offered to it, or are placed on its transfer or other tracks, shall forward said car or cars over its railroad towards destination; and for every delay of twenty-four (24) hours or fraction thereof on the part of

6 said railroad company in forwarding said car or cars beyond said allowed period of twenty-
7 four (24) hours, said railroad company shall become indebted and upon demand shall pay to
8 the consignee the sum of one dollar for each and every car so received and not forwarded
9 upon its lines within the time above allowed.

Sec. 4. When any railroad company in this state shall have received from any shipper, or
2 from a connecting railroad, for shipment over its railroad one or more cars of freight, it shall
3 be the duty of such company receiving such car or cars of freight within twenty-four (24) hours
4 thereafter to start the same forward from the place of shipment towards the point of destina-
5 tion and after being started forward, such car or cars of freight shall be continued in transit
6 towards the destination thereof at a rate of not less than average speed of 75 miles per day of
7 24 hours; and upon the failure of such railroad company to transport such car or cars at the
8 speed herein indicated such railroad company shall become indebted and on demand shall
9 pay to the consignee thereof one dollar for each and every car for each twenty-four (24) hours
10 or fraction thereof consumed in the transportation of said car or cars in excess of the time
11 herein prescribed; and in ascertaining the time consumed in the shipment of such car or cars,
12 the time shall begin to run twenty-four (24) hours after the date of the bill of lading or receipt
13 given for said car or cars by said railroad company which bill of lading or receipt shall be
14 received by the courts of this State as prima facie evidence of the time when said car or
15 cars were received by such company.

Sec. 5. It shall be the duty of every railroad company mentioned in section one of this act
2 to deliver at the usual place of unloading by the consignee all cars of freight hauled by it
3 for delivery to said consignee within twenty-four (24) hours, Sundays and legal holidays
4 excepted; after the same shall have reached the yards of the railroad company at said point of
5 destination; and for each and every delay of twenty-four (24) hours or fraction thereof, in not
6 so delivering the same after the expiration of the time herein prescribed, said railroad com-
7 pany shall become indebted and on demand shall pay to the consignee the sum of one dollar
8 for each and every car not so delivered within the time herein allowed.

Sec. 6. It shall be the duty of any shipper in compliance with whose request any railroad
2 company mentioned in section one of this act has placed one or more cars at the usual loading
3 point of said shipper, to fully complete the loading thereof ready for re-delivery to said
4 company within forty-eight (48) hours after the same shall have been placed at such loading
5 point, Sundays and legal holidays excepted, which full period for loading is allowed the
6 shipper free from demurrage charges; and for every twenty-four (24) hours or fraction thereof
7 of delay beyond said period in so loading said car or cars such shipper shall become indebted
8 and on demand shall pay to said railroad company the sum of one dollar for each and every
9 car so placed and not loaded and ready for re-delivery within the time allowed herein.

Sec. 7. It shall be the duty of the consignee of each and every car delivered by any railroad

2 company mentioned in section one of this act, at the usual place of unloading by the consignee
3 to fully unload such car or cars within seventy-two (72) hours for bituminous coal, bulk line,
4 fruit or vegetables, or lumber shipments and forty-eight (48) hours for other shipments from
5 the time the same shall be placed at the usual unloading point of the consignee, which full
6 periods are allowed the consignee for unloading free from demurrage charges; and for each
7 and every delay of twenty-four (24) hours, or fraction thereof, on the part of the consignee
8 in unloading such car or cars beyond the said above periods respectively; the consignee shall
9 become indebted, and on demand pay to the railroad company delivering such car or cars the
10 sum of one dollar for each and every car not so unloaded within the time herein prescribed,
11 provided, in case any shipper or consignee fails to begin loading any car or cars so placed
12 within said allowed period of forty-eight (48) hours, such railroad company so placing such car
13 or cars may at its option, at any time within three days thereafter, remove such car or cars
14 and collect from such shipper or consignee, one dollar for each twenty-four (24) hours, or
15 fraction thereof, Sundays and legal holidays excepted, such car or cars have remained in
16 place ready for loading, including the forty-eight (48) hours time allowed therefor respectively
17 in this and the preceding section.

Sec. 8. For all shipments of freight in car-load lots on the railroads mentioned in section
2 one of this act, proper bills of lading showing the date of delivery to such railroad company,
3 the shippers weights and the marks and numbers of each car so shipped shall be issued by the
4 railroad company and delivered to the consignor at the time of receiving such car or cars;
5 which bills of lading shall forthwith be transmitted by the consignor to the consignee and the
6 same, when offered by any party in any cause pending in any court in this state, shall be
7 received and admitted in evidence by such court as prima facie evidence of the time when
8 delivery of such car or cars was made by the consignor to such railroad company and of the
9 shippers weights and the contents thereof when so delivered to such company, and such
10 railroad company shall be subject to a penalty of one hundred dollars (\$100.00) for its neglect
11 or refusal to furnish such consignor such bill of lading for each car so received by it; such
12 penalty to be recovered, with costs of suit, by the consignee of such car or cars from the
13 railroad company so in default.

Sec. 9. Legal notice as referred to in this Bill may be either actual or constructive. When
2 the consignee or agent is personally served with notice of arrival at or before 10 A. M. of any
3 day free time begins at that hour, and if such consignee or agent is served with such notice
4 after 10 A. M. before 6 P. M. and of any day, free time begins at 7 A. M. the day following.
5 Constructive notice consists of posting notice by mail to consignee. When this method of
6 notice is adopted there shall be twenty-four (24) hours additional free time, provided, however,
7 that where in any case notice of arrival is given by mail, the consignee shall make oath that
8 neither he, his agent employees have received such notice, then he will be prima facie held

9 not to have received legal notice by reason of the posting of said notice by mail.

1 Sec. 10. The period during which the movement of freight or furnishing cars is suspended
2 on account of accident, or any cause not within the power of the railroad company to
3 prevent, or during which the loading or unloading of freight by shipper or consignee is
4 impracticable by reason of inclement weather which would cause injury or damage to such
5 freight shall be added to the free time allowed in this act and counted as additional
6 time.

1 Sec. 11. The payment of said railroad company of demurrages provided in this act shall in
2 no way invalidate or off set any claim any shipper or consignee may have or make for damages
3 occasioned by unusual delay on the part of such railroad company or other cause, but shall
4 be a further remedy and in addition to any already existing. Such railroad companies shall
5 not be required to perform any service under this act for or at the request of any shipper or
6 consignee who is in arrears for any proper demurrage, or freight charges, due to such railroad
7 until after such arrears have been paid or secured.

8 When both cars and tracks at any loading or unloading point, owned by the same
9 private party, no demurrage charges shall accrue in favor of any railroad company thereunder.

1 Sec. 12. All demurrage charges accruing under this act, between railroad companies, and
2 shippers or receivers of freight, shall be settled monthly, balances arrived at and paid to party
3 entitled to receive them.

1 Sec. 13. If any common carrier subject to the provisions of this act, shall do, cause or
2 permit to be done anything hereinbefore prohibited, or shall omit to do anything in this Act
3 required to be done, it shall be liable to the person or persons injured thereby for the amount
4 of damages sustained in consequence together with costs of suit and a reasonable attorney's
5 fee to be fixed by the Court or on appeal or otherwise, which shall be taxed and collected as
6 part of the cost in the case, but in all cases demand in writing shall be made for the money
7 damages sustained before action is brought for a recovery under this section and no action
8 shall be brought until thirty days after such demand.

1 Sec. 14. The Railroad Commissioners of the State of Iowa shall where justice demands,
2 have the power on its own motion or upon petition showing good cause, to suspend by
3 written order the operations of this act or any part thereof as to one or more railroads for a
4 definite time not exceeding sixty days in any one year, and not exceeding fifteen days at any
5 one time.

1 Sec. 15. This act shall take effect and be in force from and after its publication in the
2 Register and Leader and the Des Moines Daily Capital, newspapers published in the City
3 of Des Moines, Iowa.