

to require or permit any employe engaged in or connected with the movement of any rolling stock, engine or train, to remain on duty more than sixteen (16) consecutive hours, or to require or permit any such employe who has been on duty sixteen (16) consecutive hours to perform any further service without having had at least ten hours for rest, or to require or permit any such employe to be on duty at any time to exceed sixteen (16) hours in any consecutive twenty-four (24) hours: provided, however, that this section shall not apply to work performed in the protection of life or property in cases of accident, wreck, or other unavoidable casualty, or prevent train crews from taking a passenger train, or freight train loaded exclusively with live stock or perishable freight, to the next nearest division point upon such railroad; and provided further that it shall not apply to that time necessary for the trainmen to reach a resting place when an accident, wreck, washout, snow blockade or other unavoidable cause has delayed their train; and provided further that this section shall not apply to employes of sleeping car companies.

SEC. 2. Penalty—investigation—prosecutions. Any superintendent, train master, train dispatcher, yard master or other official of any railroad in the state of Iowa, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for each offense. It shall be the duty of the board of railroad commissioners to receive written statements of violations of this act and when so requested to hold the same without disclosure of the name of the person making such statement, and to investigate each and every complaint filed alleging such violation. The board in making such investigation shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers, and must file a report of such investigation in writing with a full statement of its finding to the governor. In all cases of violation of this act, the board of railroad commissioners, through the attorney general, must at once begin the prosecution of all parties against whom evidence of violation is found; but this act shall not be construed to prevent any other person from beginning prosecution for violation hereof.

Approved April 2, A. D. 1907.

CHAPTER 104.

TERMINAL FACILITIES FOR INTERURBAN RAILROADS.

H. F. 479.

AN ACT to authorize and require street railways, and interurban railroads operating street railways, to permit interurban railroads to use their tracks and terminal facilities and to furnish power to interurban railroads in cities, and providing for fixing the compensation therefor, and authorizing street railways to furnish power to interurban railroads. [Additional to chapter five (5) of title ten (X) of the code.]

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

SECTION 1. Street railways to furnish terminal facilities—compensation. That all persons, firms or corporations now or hereafter owning or operating electric street railways in any city (including cities organized under special charter) or town of this state, are hereby authorized and required to permit the use for interurban business only but not for local street railway business.

of such of their terminals, tracks, poles and wires as are located in the streets, alleys and public places of said cities and towns, and such portions of their tracks, poles and wires as may cross property owned by said street railway companies in such cities and towns, by the passenger and combination baggage cars of interurban railway companies, for the transportation of passengers, mail, express and baggage; and said street railways shall furnish to said interurban railways, electric power for the operation of their cars and the transaction of their said business in said cities and towns, as to said tracks so furnished; but said street railways shall not be required to furnish electric power except during such hours as their street railway cars may be in operation; nor shall they be required to furnish such power where they have not power houses and machinery sufficient therefor; and they shall have the preference in the use of their own tracks and power so that their own cars shall not be delayed in transit; nor shall they be required to furnish car houses or car barns or access thereto. Said interurban railways shall pay a reasonable compensation for the privileges and power that may be furnished them as above mentioned under this act. If an agreement for the use of the facilities so furnished and the compensation for the same cannot be made between the interested parties, the question as to the amount of such compensation and the conditions under which said facilities shall be furnished, used and operated, shall be heard and determined by the board of railroad commissioners of the state of Iowa, on petition to the said board by either party to the controversy, ten days' notice in writing of such petition being served upon the opposite party; and any order entered by said board of railroad commissioners, or court upon appeal, shall be subject to modification or review from time to time, upon notice being given as herein provided.

SEC. 2. Appeal to district court—commissioner—report—hearing. Each party to the proceeding shall have the right to appeal to the district court of the county where the street railway in question is located from any order made by the board of railroad commissioners under this act, which appeal shall be taken within twenty days from the date of the order appealed from, and shall be perfected by serving a notice of appeal upon the other parties to such proceeding and filing the same with the secretary of the board of railroad commissioners, and by filing within twenty days from the date of such order, a petition in the said district court, stating the facts and asking the court to determine the matter in controversy. The board of railroad commissioners shall, when such notice of appeal is filed with its secretary, forthwith certify to said district court a transcript of the papers and proceedings before said board, and its order thereon. The court, or a judge thereof, if the petition is filed in vacation, shall thereupon appoint a commissioner to examine into the necessity of such proceeding, and report the facts and his recommendation in such time as the court or judge may direct, and as soon as possible thereafter the court or judge shall appoint a time and place for the hearing of such petition. The proceedings shall be in equity and subject to all the rules of equity practice, except that the court shall require the issues to be made up at the first term after the petition is filed and give the proceeding precedence over other civil business and try the same thereat if possible. The action shall be triable *de novo* upon said appeal, except that the question of compensation for the tracks, poles, wires, terminals and power to be furnished shall first be tried to a jury in the same manner and with the same effect as jury trials in ordinary proceedings, and the jury shall assess, separately, compensation for power to be furnished, on such basis as the court shall direct. No such appeal shall suspend the order appealed from if the interurban railway company on whose behalf said order is made shall file such

bond for the payment of damages and costs as the district court to which such appeal is taken, or a judge thereof, may order and require. In all cases payment of the compensation awarded shall be made or secured to be made as the board of railroad commissioners or court may order and require before the interurban company desiring the use of the same shall be entitled thereto.

SEC. 3. Power furnished outside of city or town. Street railroad companies desiring so to do shall be authorized to furnish to interurban railway companies, power for the operation of the cars of interurban railway companies outside of cities and towns, but no street railroad company shall be required to furnish such power.

SEC. 4. Applicable to interurban railways operating street railways. This act shall apply to those portions of the terminals, tracks, poles and wires of interurban railway companies which are located in the streets, alleys and public places of cities and towns and which are used by such companies for the transaction of a local street railway business; and where an interurban railway company has heretofore built tracks in a city or town used for street railway purposes it may acquire the use of such tracks, poles and wires as may be necessary to complete a terminal loop for the cars operated on such tracks and for the use of its interurban cars only, under the provisions of this act.

SEC. 5. Acts in conflict repealed. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 6. Pending litigation. The provisions of this act shall not affect any pending litigation.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register & Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 5, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 6, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 105.

DESTRUCTION OF NOXIOUS WEEDS GROWING ON RAILROAD RIGHT OF WAY.

H. F. 290.

AN ACT for the better protection of farm lands from the infection of foul seeds and to require railroad corporations to cut and burn or otherwise destroy certain noxious weeds growing upon its right of way. [Additional to chapter five (5) of title ten (X) of the code.]

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

SECTION 1. Destruction of weeds—written notice. It shall be the duty of every corporation owning or operating a railroad in this state on written notice from the owner, lessee or occupant of any land abutting upon its right of way to cut and burn, or otherwise destroy once each year during the month of July, all cockle burrs, burdock weeds, quack grass and thistles on its right of way adjacent to said land.

SEC. 2. Penalty. Any failure to comply with the provisions of this act shall be deemed a misdemeanor and shall be punished accordingly.

SEC. 3. Enforcement. It shall be the duty of the county attorneys in the respective counties to enforce the provisions of this act.

Approved March 27, A. D. 1907.