

“In any suit or action in court brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this section, the burden of proving that the provisions of this section have been complied with by such railroad corporation, shall be upon such railroad corporation.”

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa. Approved April 4, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 5, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 108.

POWERS AND DUTIES OF BOARD OF RAILROAD COMMISSIONERS.

H. F. 408.

AN ACT to enlarge the powers and further define the duties of the board of railroad commissioners. [Additional to chapter six (6) of title ten (X) of the code.]

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

SECTION 1. **Investigation of interstate freight rates.** It is hereby made the duty of the board of railroad commissioners to exercise constant diligence in informing themselves of the rates, charges, rules, and practices of common carriers engaged in the transportation of freight from points in this state to points beyond its limits, and from points in other states to points in this state, also in territory wholly outside this state; and whenever it shall come to the knowledge of the board of railroad commissioners either from their own investigation or by complaint made to them in any manner whatsoever that the rates charged by any common carrier on interstate business are unjust or unreasonable, or that such rates, rules or practices discriminate unjustly against the citizens, industries or interests of this state, or place any of the citizens, industries or interests of this state at an unreasonable disadvantage as compared with those of other states, or are levied or laid in violation of the act to regulate commerce, or in conflict with the rulings, orders or regulations of the interstate commerce commission, it shall be the duty of the board of railroad commissioners to immediately call the attention of the officials of railroads operating in this state to the fact and to urge upon them the propriety of changing such rate or rates, rules or practices.

SEC. 2. **Appeal to interstate commerce commission—prosecutions.** Whenever such rates, rules or practices are not changed or adjusted so as to remove or remedy such discrimination within a reasonable time, it shall be the duty of the board of railroad commissioners, whenever it can legally be done, to present the facts involved in such discrimination to the interstate commerce commission and appeal to it for relief and thereafter, if deemed necessary, by said board of railroad commissioners, they shall prosecute any charge or charges growing out of any such discrimination at the expense of the state, before said interstate commerce commission.

SEC. 3. **Attorney general to assist.** In all work devolving upon the railroad commission they shall receive, upon application, the services of the at-

torney general of this state, and he shall also represent them, whenever called upon to do so, before the interstate commerce commission.

SEC. 4. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines.

Approved April 10, A. D. 1907.

I hereby certify that the foregoing act was published in the Des Moines Capital, April 15, 1907, and the Register and Leader, April 17, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 109.

REGULATION OF THE STRINGING OF WIRES OVER RAILROAD TRACKS.

S. F. 285.

AN ACT to protect the safety of railroad employes by regulating the maintaining and stringing of other wires over railroad tracks. [Additional to chapter six (6) of title ten (X) of the code.]

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

SECTION 1. **Railroad commissioners to have supervision.** The railroad commissioners of this state shall have general supervision over any and all wires for transmitting electric current or any other wire whatsoever crossing under or over any track of a railroad in this state.

SEC. 2. **Regulations.** Within thirty (30) days from the taking effect of this act said railroad commissioners shall make regulations prescribing the manner in which such wires shall cross such railroad tracks in this state.

SEC. 3. **Wires must be strung in manner prescribed.** It shall hereafter be unlawful for any corporation or person to place or string any such wire for transmitting electric current or any wire whatsoever across any track of a railroad in this state except in such manner as may be prescribed by the railroad commissioners as provided by this act.

SEC. 4. **Examination of wires already strung.** The board of railroad commissioners shall, as soon as possible after the taking effect of this act, either by personal examination or otherwise, obtain information where the tracks or railroads are crossed by wires strung over said tracks, contrary to or not in compliance with the rules prescribed by the railroad commissioners as contemplated by this act, and shall order such change or changes to be made by the persons or corporations owning or operating such wires as it may deem necessary to make the same comply with said rules and within such reasonable time as it may prescribe.

SEC. 5. **Minimum height.** In case such wires cross over said track, in no case shall said board of railroad commissioners prescribe a less height than twenty-two (22) feet above the top of the rails of any railroad track for any wire.

SEC. 6. **Wires across railroad right of way at highways.** The board of railroad commissioners are hereby authorized to provide for and regulate the crossing of wires over and across railroad rights of way at highways and other places within the state.