

## CHAPTER 115.

## SPEED OF CARS OF LIVE STOCK.

S. F. 373.

AN ACT to define the duty of common carriers of freight respecting the speed of cars of live stock, conferring additional powers upon the board of railroad commissioners with relation thereto, and providing for the enforcement of the orders, rulings and regulations of the board. [Additional to chapter seven (7) of title ten (X) of the code.]

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

**SECTION 1. Duty of common carriers of freight.** That it is hereby made the duty of all common carriers of freight within this state to move cars of live stock at the highest practicable speed consistent with reasonable safety, and the reasonable movement of its general traffic.

**SEC. 2. Railroad commissioners to prescribe speed.** In order to enforce the duty prescribed in section one, the board of railroad commissioners shall immediately and from time to time investigate the practice of the common carriers with respect to the movement of live stock; and if it ascertains at any time that the common carriers or any of them are not moving cars of live stock with the proper speed, then upon notice to any such common carrier or carriers, the said board shall prescribe the speed at which and the conditions under which cars of live stock shall be moved within this state by any such carrier or carriers. The order shall specify the time at which it shall go into effect, which shall be as soon as, in the judgment of the board, the carrier or carriers affected can, with reasonable diligence, readjust its or their time tables. The power to prescribe speed and determine conditions for the movement of cars of live stock within this state is hereby expressly conferred upon the said board of railroad commissioners.

**SEC. 3. Enforcement.** Any order, ruling or regulation made by the board under this act shall be enforceable as provided in section two thousand one hundred and nineteen (2119) of the code.

**SEC. 4. In effect.** This act, being deemed of immediate importance, shall take effect upon its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 10, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1907.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 116.

## EXPRESS COMPANIES.

H. F. 302.

AN ACT repealing sections twenty-one hundred and sixty-five (2165) and twenty-one hundred and sixty-six (2166) of the code, and enacting a substitute therefor, pertaining to express companies.

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

**SECTION 1. Repealed.** That sections 2165 and 2166 of the code be and the same are hereby repealed.

**SEC. 2. Subject to regulations.** All express companies operating and doing business in this state are declared to be common carriers, and it shall be the

duty of every such express company or common carrier to transport all property, parcels, money, merchandise, packages, and other things of value which may be offered to them for transportation, at a reasonable charge or rate therefor; and all laws so far as applicable, now in force or hereafter enacted, regulating the transportation of property by railroad companies, shall apply with equal force and effect to express companies.

**SEC. 3. Supervision by railroad commissioners—schedule of joint rates.** The railroad commissioners of this state shall have general supervision of all express companies operating and doing business in this state; and shall inquire into any unjust discrimination, neglect or violation of the laws of this state governing common carriers, by any express company doing business therein, or by the officers, agents or employes thereof; and they shall have power and it shall be their duty, to fix and establish reasonable, fair and just rates of charges including a schedule of maximum joint rates for each kind or class of property, money, parcels, merchandise, packages, and other things to be charged for and received by each express company or carriers by express, separately or conjointly, on all such property, money, parcels, merchandise, packages and other things which by the contract of carriage are to be transported separately or conjointly by such express companies, or carriers by express, doing business over the line of any railroad or other carrier between points wholly within the state of Iowa, which rates or charges shall be made to apply to all such express companies or express carriers, and may be changed or modified by said commissioners from time to time in such manner as may become necessary.

**SEC. 4. Schedule of rates for each company—prima facie evidence.** Within six months from the taking effect of this act it shall be the duty of said railroad commissioners, and they are hereby directed, to prepare and make for each express company doing business in this state a schedule of reasonable maximum charges of rates for transporting property, money, parcels, merchandise, packages, and other things carried by such express company or companies between points wholly within the state of Iowa; and in all actions brought against such common carriers wherein there are involved the charges thereof for the transportation of any property, or any unjust discrimination in relation thereto, the schedules or reasonable maximum rates of charges so made by the railroad commissioners shall be taken as *prima facie* evidence in all courts that the rates fixed therein are reasonable and just maximum rates of charges for which said schedules have been prepared.

**SEC. 5. Printed schedules posted and displayed.** It shall be the duty of every such express company or common carrier engaged in transporting property, money, parcels, merchandise, packages and other things, to print in clear and legible type the schedules of rates for transportation of such property, money, parcels, merchandise, packages, and other things, so made by such railroad commissioners, and shall post in each of its offices or places of business where patrons visit for the purpose of making and receiving shipments, and keep displayed in each office or place of business within convenient access, and for the inspection and use of the public during customary business hours such printed schedule of rates of charges and any amendments thereto, and shall also post and display in similar manner any special rules and regulations which may be promulgated by them or said railroad commissioners for the information of their patrons.

**SEC. 6. Excessive compensation—penalty.** It shall be unlawful for any express company or common carrier to charge, demand, collect or receive a greater compensation for such transportation of property, or for any service in connection therewith between the points named in such schedules than the rates and charges which are specified in the schedules made by said railroad

commissioners and in effect at the time. Any such express company or common carrier, any officer, representative, or agent or any express company, or carrier, who knowingly violates the provisions of this act shall forfeit to the state of Iowa the sum of five hundred dollars for each offense, to be recovered as by law provided.

**SEC. 7. Refusal to transport—liable for damages—penalty.** Each and every express company or carrier by express, as herein defined, doing business within the state of Iowa, shall at all convenient times during the hours of business accept and receive for prompt transportation and shipment destined to points on their own line, or to points on the lines of other express companies operating within the state, or for points beyond said state, all property, parcels, money, merchandise, packages and other things of value which may be offered to them, or either of them, for transportation by the public, and any express company or other common carrier refusing to transport goods as above provided taking the same in the order presented, shall be liable to the party injured for damages sustained by reason of its refusal, and in addition thereto shall be liable to a penalty of not less than five (5) nor more than five hundred (500) dollars, to be recovered in each case by the owner of the goods in any court having jurisdiction in the county where the wrong is done, or where the common carrier resides or has an agent, and each case of refusal shall be construed as a separate offense under this act.

Approved April 1, A. D. 1907.

## CHAPTER 117.

### THE MILITIA.

H. F. 333.

AN ACT to amend the law as it appears in section eighteen (18) of chapter ninety-one (91) of the acts of the Thirty-first General Assembly and to repeal section twelve (12) of chapter seventy-seven (77) of the acts of the Thirtieth General Assembly and section fourteen (14) of chapter ninety-one (91) of the acts of the Thirty-first General Assembly and to enact substitutes therefor and to provide for stoppage of compensation due officers and men of the Iowa National Guard for loss or damage to property issued to them by the state for military purposes.

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

**SECTION 1. Repealed—allowance for postage, supplies, etc.** That section fourteen (14) of chapter ninety-one (91) of the acts of the thirty-first general assembly be, and the same is hereby repealed and the following enacted in lieu thereof:

“There shall be allowed annually to each regimental and company commander the sum of one hundred dollars (\$100) for postage, stationery, issuing orders, making official returns, keeping official records, conducting the correspondence of his office and all other paper work required by orders or regulations, which sum shall be payment in full for said services; and for like purposes to each chief musician of bands the sum of fifty dollars (\$50), and for like purposes to each general inspector of small arms practice, major surgeons and regimental inspectors of small arms practice, the sum of fifty dollars (\$50). All payments to be made semi-annually and in the amounts as herein provided.”

**SEC. 2. Repealed—allowance for company drill—band practice—hospital corps drill.** That section twelve (12) of chapter seventy-seven (77) of the