

CHAPTER 128.

DUTY OF RAILROADS TO FURNISH TRANSPORTATION.

S. F. 23.

AN ACT to amend the law as it appears in section twenty-one hundred and sixteen (2116) of the supplement to the code, 1907, relating to the duty of railways to furnish transportation.

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

SECTION 1. Transportation to be furnished within reasonable time. That the law as it appears in section twenty-one hundred and sixteen (2116) of the supplement to the code, 1907, be and the same is hereby amended by striking out after the word "shall" in line two (2) of said section, the "comma" following said word "shall" and the words and punctuation "when within its power to do so, and" and adding to said section, after the "comma" following the word "notice" in line two (2) of said section, the words and punctuation "and within a reasonable time."

Approved April 1, A. D. 1909.

CHAPTER 129.

ENFORCEMENT OF RULES, ORDERS AND REGULATIONS OF RAILROAD COMMISSIONERS.

H. F. 54.

AN ACT to amend section two thousand one hundred nineteen (2119) of the code, relating to the enforcement of the rules, orders and regulations of the board of railway commissioners and to provide for the time when said rules, orders or regulations shall take effect.

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

SECTION 1. Failure or refusal to comply—penalty. [That section two thousand one hundred nineteen (2119) of the code be amended by adding thereto the following:]

"That all rules, orders and regulations affecting public rights, made or to be made by the board of railway commissioners, such as are now, or may hereafter be, authorized to be made by them for the future direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the board for the taking effect of such rules, order and regulations. If any railroad fails, neglects or refuses to comply with any rule, order or regulation made by the board within the time specified, it shall pay a penalty of fifty (\$50.00) dollars for each and every day it fails, neglects or refuses to obey any rule, order or regulation so made to be recovered in any court having jurisdiction.

SEC. 2. Appeal. Any railroad aggrieved at any rule, order or regulation made by the board may institute proceedings in any court of proper jurisdiction to have the rule, order or regulation complained of vacated, if found by the court, after due trial, not to be reasonable, equitable or just, and if upon an appeal from any rule, order or regulation of the board the complaining railroad is successful in having such rule, order or regulation vacated, the aforesaid penalty shall be set aside, if unsuccessful, there shall be taxed as a part of the costs a reasonable attorney's fee for the attorney appearing in behalf of the state.

SEC. 3. Time limit extended pending appeal—remission of accrued penalty. The time for the taking effect of any rule, order, or regulation affecting public