

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

rights, made by the board of railroad commissioners as provided herein, may, in its discretion, be extended, and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay. When any railroad shall fail upon appeal to secure a vacation of the order from which it has appealed, it may apply to the court in which said appeal is finally adjudicated for an order remitting the penalty which has accrued during the pendency of the appeal and upon a satisfactory showing that the order appealed from was unreasonable or unjust, or that the power of the board to make the same was doubtful and that said appeal has been prosecuted in good faith and not for the purposes of delay, such court may remit the penalty that has accrued during the pendency of the appeal."

Approved April 16, A. D. 1909.

CHAPTER 130.

FREE PASSES BY COMMON CARRIERS.

S. F. 218.

AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, relating to free passes by common carriers.

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

SECTION 1. **What permitted.** That the law as it appears in section twenty-one hundred fifty-seven-g (2157-g) of the supplement to the code, 1907, is hereby amended by striking out the words "such members", in subdivision j thereof and substituting therefor the words "employees who die while in the service of such common carriers".

Approved March 25, A. D. 1909.

CHAPTER 131.

THE MILITARY CODE OF IOWA.

H. F. 250.

AN ACT to repeal title eleven (XI) of the code and the law as it appears in title eleven (XI) of the supplement to the code, 1907, relating to the militia and enacting a substitute therefor to be known as "The Military Code of Iowa."

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

SECTION 1. **Repeal and re-enactment of military code.** That title eleven of the code of Iowa and the law as it appears in title eleven of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof to be officially designated and known as, "The Military Code of Iowa."

SEC. 2. **Militia, who constitutes—enumeration—exemption.** The military force of the state of Iowa shall consist of every able-bodied male citizen, and every able-bodied male of foreign birth, who has declared his intention to become a citizen, who is between the ages of 18 and 45 years, not exempt from such service under the laws of the United States, except honorably discharged soldiers, sailors and marines of the United States, who shall be exempt from military service in this state at their option. The assessor shall