

A BILL

FOR AN ACT RELATING TO THE ELECTION OF RAILROAD COMMISSIONERS,
REGULATING STATE COMMERCE, REQUIRING RAILROAD CORPORATIONS
TO INCORPORATE AND FILE THEIR ARTICLES OF INCORPORATION WITH
THE SECRETARY OF STATE, AND THE FENCING OF RAILROADS.

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

SECTION 1. That section two of chapter seventy-seven of the acts of the Seventeenth
2 General Assembly be and the same is hereby repealed.

SEC. 2. That at the general election in the year A. D. 1886, and at the general election in
2 each year thereafter, there shall be elected one Railroad Commissioner, who shall serve as
3 such for a period of three years from the first day of April next after his election. No
4 person owning any bonds, stock, or property in any railroad company, or who is, or for one
5 year immediately preceding his election has been, in the employment, or who is in any way
6 or manner pecuniarily interested in any railroad corporation, shall be eligible to the office
7 of Railroad Commissioner. Said commissioners shall be qualified electors of the State.

SEC. 3. That all railroad corporations organized under the laws of any other State,
2 desiring to transact business, or to continue in the transaction of business in this State, are
3 hereby required to file with the Secretary of State a certified copy of their articles of incorpor-
4 ation duly attested, accompanied by a resolution of the board of directors or stockholders of
5 such corporation, authorizing the filing thereof and also authorizing service of process to be
6 made upon any of the officers or agents of such corporation in this State engaged in trans-
7 acting any business and requesting the issuance of a permit to transact business in this
8 State. Thereupon the Secretary of State, on receipt of one hundred dollars from each, shall
9 issue to each corporation so paying a permit in such form as he may prescribe for the gen-
10 eral transaction of the business of such corporation for a period of one year from the date
11 of permit, and such permit shall be renewed from year to year on receipt of one hundred
12 dollars from each railroad corporation requesting it. On receipt of such permit such cor-
13 poration shall be authorized to conduct and carry on its business in this State, and as to all
14 contracts, duties and obligations, such corporation shall be deemed to be a resident and
15 domestic corporation organized under the laws of this State.

SEC. 4. No foreign railroad corporation which has not in good faith complied with the
2 provisions of this act shall be authorized or permitted to exercise the power of eminent
4 domain, or to exercise any of the rights and privileges conferred upon corporations until it
5 shall have complied herewith.

SEC. 5. Any railroad corporation that shall transact any business in this State after the
2 taking effect of this act without having complied with the provisions of this statute shall

3 forfeit and pay to the State for each day in which such business is transacted, the sum of
4 one hundred dollars to be recovered by suit by the Attorney General in any court having
5 competent jurisdiction. And any agent, officer or employe of any such corporation who
6 shall transact any business for such corporation when it has no permit as provided herein
7 shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

SEC. 6. It shall be the duty of the Secretary of State to pay to the State Treasurer all
2 sums and amounts received by him from this source and take his receipts therefor and
3 keep them on file in his office.

SEC. 7 When any railroad corporation, transacting any business in this State shall make
2 any reduction in the amounts which it shall charge, demand or receive for the transporta-
3 tion of any freight whatsoever, received for transportation at any point or station on its
4 line, then at the same time a like and proportionate reduction shall be made at every other
5 point or station on the entire line of said railway and all its branches, based upon the dis-
6 tance any such freights to be so transported. And no railroad corporation transacting
7 business in this State shall charge, demand or receive more for a short haul than for a
8 longer one. The intention being to prevent and prohibit any unjust discrimination in favor
9 of or against any place or station on the lines of any such carrier in the transportation of
10 freight to or from such place or station.

SEC. 8. When any change in rates such as is contemplated in section seven hereof shall
2 be made at any point or station on any such line of transportation, notice of such change
3 shall be at once transmitted by telegraph to the agent in charge at every other station on
4 the lines of such road.

SEC. 9. Any railway corporation doing business in this State, guilty of violating any of
2 the provisions of the two preceding sections shall forfeit and pay for every such offense to
3 the person aggrieved thereby three times the actual damage sustained or overcharges
4 paid by the said party aggrieved, together with costs of suit and reasonable attorneys fees
5 to be fixed by the court in which the cause brought to recover such penalty is tried.

SEC. 10. All railroad corporations transacting business in this State shall construct and
2 maintain a lawful fence on each side of all railroad tracks owned or operated by such cor-
3 poration, and said fences shall be so connected with cattle guards at all crossings as to pre-
vent cattle, horses and other live stock from getting on the tracks.

SEC. 11. If any corporation transacting any business in the state fails or neglects to com-
2 ply with the provisions of the preceding section, shall forfeit and pay to the person over
3 whose land such railroad is located, the sum of five hundred dollars to be recovered in any
4 court having jurisdiction and in addition thereto shall pay three times the actual value
5 of all stock killed.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.