

SEC. 3. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 2, 1875.

CHAPTER CIII.

AN ACT PROVIDING FOR THE APPOINTMENT AND ELECTION OF A RAILROAD COMMISSIONER, DEFINING HIS DUTIES, AND TO PREVENT EXTORTION AND UNJUST DISCRIMINATION BY RAILROAD CORPORATIONS IN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. There shall be elected at the general election in November, eighteen hundred and seventy-five, and every two years thereafter, a state railroad commissioner, who shall hold his office for two years, and until his successor is elected and qualified. Such commissioner shall take the oath of office prescribed by law and shall give a bond, with surety [sureties] to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties as such commissioner. And whenever, from any cause, a vacancy occurs in the office of railroad commissioner, the governor shall appoint some suitable person to fill such vacancy, who, upon taking the oath of office, and giving the bond required by law, shall hold his office until his successor is elected and qualified; *Provided*, That until the office is filled by election, the governor shall appoint a suitable person to fill the vacancy in such office. Election of railroad commissioner—term of office—oath of office—bond—vacancy, how filled.

SEC. 2. The said commissioner shall hold his office in the capitol in St. Paul. He shall receive a salary of three thousand dollars per annum, to be paid as the salaries of other state officers are paid, and shall be provided at the expense of the state with necessary office furniture and stationery, and he shall have authority to appoint a secretary, who shall receive a salary of twelve hundred dollars per annum. Where office to be held—salary.

SEC. 3. The railroad commissioner shall enquire into any neglect or violation of the laws of this state, by any railroad corporation doing business therein, or by the officers, agents or employees of any such company, and shall also, from time to time, carefully examine and inspect the condition of each railroad in this state, and of its equipment, and the manner of its conduct and management, with relation to the public safety and convenience. He shall also examine into, and ascertain, Duties of commissioner.

the pecuniary condition and the manner of financial management of each and every railroad company doing business in this state.

SEC. 4. The said railroad commissioner shall, on or before the first day in December in each year, make a report to the governor of his doings for the preceding year, containing such facts, statements and explanations as will disclose the working of the system of railroad transportation in this state, and its relations to the general business and prosperity of the citizens of the state, and such suggestions and recommendations in respect thereto as may to him seem appropriate. Said report shall also contain as to every railroad corporation doing business in this state—

First.—The amount of its capital stock.

Second.—The amount of its preferred stock, if any, and the conditions of its preferment.

Third.—The amount of its funded debt, and the rate of interest thereof.

Fourth.—The amount of its floating debt.

Fifth.—The cost of its road and equipment, including permanent way buildings and rolling stock, all real estate used exclusively in operating the road, and all fixtures and conveniences for transactions of its business.

Sixth.—The estimated value of all other property owned by such corporation, with a schedule of the same, not including lands granted in aid of its construction.

Seventh.—The number of acres originally granted in aid of construction of its road by the United States or by this state.

Eighth.—Number of acres of such lands remaining unsold.

Ninth.—A list of its officers and directors, with their respective places of residence.

Tenth.—Such statistics of the road and of its transportation business for the year as may in the judgment of the commissioner be necessary and proper for the information of the legislature, or as may be required by the governor. Such report shall exhibit and refer to the condition of such corporation on the first day of July of each year, and the details of its transportation business transacted during the year ending June thirtieth of that year.

SEC. 5. To enable said commissioner to make such a report, the president or managing officer of each railroad corporation doing business in the state, shall annually make to the said commissioner, in the month of October, such returns, in the form which he may prescribe, as will afford the information required for his said official report; such returns shall be verified by the oath of the officer making them; and any railroad corporation whose return shall not be made as herein prescribed, within the month of October, shall be liable to a penalty of one hundred dollars for each and every day after the thirty-first day of October that such return shall be willfully delayed or refused.

When and to whom report to be made—what to contain.

When officer of railroad corporations to make report to commissioner—penalty for failure. (2)

SEC. 6. The said commissioner shall have power, in the discharge of the duties of his office, to examine any of the books, papers, or documents of any such corporation, or to examine under oath or otherwise, any officer, director, agent, or employee of any such corporation; he is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereto in the performance of his said duties, as belong and pertain to courts of law in this state; and any person who may willfully obstruct said commissioner in the performance of his duties, or who may refuse to give any information within his possession that may be required by said commissioner, within the line of his duty, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding one thousand dollars, in the discretion of the court.

Commissioner empowered to examine books, etc.—penalty for refusing to give information.

SEC. 7. No railroad corporation shall charge, demand, or receive from any person, company, or corporation, for the transportation of persons or property, a greater sum than it shall at the same time charge, demand, or receive from any other person, company, or corporation, for a like service from the same place, and upon like condition and similar circumstances; and all concessions of rates, drawbacks and contracts for special rates shall be open to all persons, companies, or corporations alike, under similar circumstances.

Corporations not to discriminate for transportation of persons or property.

SEC. 8. No railroad company shall charge, demand, or receive from any person, company, or corporation, an unreasonable price for the transportation of persons or property, or for the handling or storing of any freight, or for the use of its cars, or for any privilege or service afforded by it in the transaction of its business as a railroad corporation.

Concerning rates for transportation.

SEC. 9. It shall be the duty of any railroad corporation, when within their power to do so, and upon reasonable notice, to furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all usual kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling the same at any depot on the line of its road.

Corporations to furnish suitable cars and facilities for handling freight.

SEC. 10. Any railroad corporation who shall violate any of the provisions of this act, as to extortion or unjust discrimination, shall forfeit for every such offense to the person, company, or corporation aggrieved thereby, three times the actual damages sustained, or overcharges paid, by the said party aggrieved, together with the cost of suit, to be recovered in a civil action therefor.

Penalty for violation.

SEC. 11. In all cases arising under the provisions of this act, the rules of evidence and practice shall be the same as in other civil actions, and appeals may be granted to either party from a justice court to the district court, and from the district court to the supreme court, in the same manner and upon the same terms as in other civil actions.

Rules governing civil actions arising under provisions of this act.

Repeal of inconsistent acts.

SEC. 12. Chapter twenty-six of the general laws of one thousand eight hundred and seventy-four, and all acts and parts of acts inconsistent with this act, are hereby repealed; *Provided*, That said repeal shall not affect any action pending in any court under the provisions of such acts.

When act to take effect.

SEC. 13. This act shall take effect from and after its passage. Approved March 8, 1875.

CHAPTER CIV.

AN ACT TO ESTABLISH A CLERKSHIP IN THE INSURANCE COMMISSIONER'S OFFICE.

Be it enacted by the Legislature of the State of Minnesota :

May employ a clerk—salary of.

SECTION 1. The insurance commissioner is hereby empowered to employ, in his office, a clerk, who shall receive for his services one thousand dollars per annum, to be paid out of the state treasury as other clerks of the state department are paid.

When act to take effect.

SEC. 2. This act shall take effect and be in force from the first day of January, eighteen hundred and seventy-five. Approved March 9, 1875.

CHAPTER CV.

AN ACT IN RELATION TO THE INVESTMENT OF SCHOOL, UNIVERSITY, AND OTHER FUNDS.

Be it enacted by the Legislature of the State of Minnesota :

Relating to securities of the several funds invested.

SECTION 1. There is hereby annually appropriated all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, sinking fund, inebriate asylum fund, or other funds required to be invested in securities, to be invested in interest bearing bonds of the United States, or of the state of Minnesota issued since the year eighteen hundred and