

lief of firemen injured or disabled while in the discharge of their duties; second, for the equipment and maintenance of such fire departments.

SEC. 7. No city, town or village shall be entitled to any of the benefits arising from this act unless its fire department shall have been in actual existence for one (1) year prior to the filing of the certificate required by section two (2) of this act, and unless such department shall have had for such period, as a part of its equipment, at least one (1) steam, hand or other fire engine, or hook and ladder truck or hose cart.

SEC. 8. If the certificate required by section two (2) of this act is not filed with the insurance commissioner on or before October thirty-first (31st), in any year, the city, town or village so failing to file such certificate shall be deemed to have waived and relinquished its right for such year to the appropriation herein provided for.

SEC. 9. This act shall take effect and be in force from and after its passage.

*When entitled
to benefits.*

*When deemed
to have waived
its rights to re-
ceive benefits
from state.*

*When act to
take effect.*

Approved March 4, 1885.

CHAPTER 188.

AN ACT FOR THE REGULATION OF RAILROAD COMPANIES.

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

SECTION 1. There is hereby created a commission to be styled "railroad and warehouse commissioners," to consist of three (3) suitable persons, qualified electors of the state of Minnesota, the decision of a majority of whom shall be considered the decision of the commissioners on all questions arising for their consideration, who shall hold their office for a period of two (2) years and until their successors are appointed and qualified, and who shall be appointed by the governor, and one of whom shall be of the leading opposite political party to the governor.

*Creation of a
board of com-
missioners—
term of office.*

SEC. 2. Within thirty (30) days after this act shall take effect the governor shall appoint two (2) persons, who, with the present railroad commissioner, shall constitute such commission, and who shall hold their office until the first Monday in January, A. D. one thousand eight hundred and eighty-seven (1887) and until their successors are appointed and qualified. The governor shall, after and within thirty (30)

*By whom ap-
pointed—when
vacancy, how
filled—term of
office.*

days of the organization of the legislature, appoint three (3) railroad commissioners to succeed those whose terms have expired in January, A. D. one thousand eight hundred and eighty-seven (1887), who shall hold their offices for two (2) years and until their successors are appointed and qualified. And any vacancy which shall occur in the office of any railroad commissioner shall be filled by the governor for the remainder of the term, when a successor shall be appointed for the full term of two (2) years.

*Who may not
be appointed.*

SEC. 3. **QUALIFICATIONS—OATH—BOND.]** No person shall be appointed as such commissioner who is at the time of his appointment in any way connected with any railroad company or who is directly or indirectly interested in any stock, bond or other property of a railroad company or is in the employment of any railroad company or warehouseman, and no person appointed as such commissioner shall during the term of his office become interested in any stock, bond or other property of any railroad company or warehouse or in any manner be employed by or connected with any railroad company or warehouse. The governor shall have power to remove any such commissioner at any time upon sufficient evidence of malfeasance or non-feasance in office. Before entering upon the duties of his office each of said commissioners shall make and subscribe and file with the secretary of state an affidavit in the following form:

Qualifications.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Minnesota, and that I will faithfully discharge the duties of the office of commissioner of railroads according to the best of my ability.

And shall enter into bonds, with security to be approved by the governor, in the sum of twenty thousand (20,000) dollars, conditioned for the faithful performance of his duty as such commissioner.

*Salary—to ap-
point a secre-
tary—salary of.*

SEC. 4. **COMPENSATION—SECRETARY—OFFICE EXPENSES.]** Each of said commissioners shall receive for his services the sum of three thousand (3,000) dollars per annum, payable as the salary of other state officers. They shall be furnished with an office, office furniture and stationery at the expense of the state and shall have power to appoint a secretary to perform such duties as they may assign to him; said secretary shall receive for his services one thousand five hundred (1500) dollars per annum. The office of said commissioners shall be kept at the state capitol and all sums authorized to be paid by this act shall be paid out of the state treasury, and only on the order of the state auditor; *Provided*, That the total sum to be expended by said commissioners for furniture, stationery, postage and other incidental expenses, shall in no case exceed the sum of eight hundred (800) dollars per annum.

*Where office to
be held.*

SEC. 5. **RIGHT TO PASS ON TRAINS, ETC.]** The said commissioners and their necessary assistants shall have the

*Free passes on
railroads.*

right of passing, in the performance of their duties concerning railroads, on all railroads and railroad trains in this state.

SEC. 6. REPORT OF RAILROADS.] Every railroad company incorporated or doing business in this state, or which shall hereafter become incorporated or do business under any general or special law of this state, shall, on or before the first (1st) day of September, in the year of our Lord, one thousand eight hundred and eighty-five (1885), and on or before the same day in each year thereafter, make and transmit to the commissioners appointed by virtue of this act, at their office in the state capitol, a full and true statement under oath of the proper officers of said corporation, of the affairs of their said corporation as the same existed on the first (1st) day of the preceding July, specifying:

First.—The amount of capital stock subscribed and by whom.

Second.—The names of the owners of its stock and the amount owned by them respectively, and the residence of each stockholder as far as known.

Third.—The amount of stock paid in and by whom.

Fourth.—The amount of its assets and liabilities.

Fifth.—The names and place of residence of its officers.

Sixth.—The amount of cash paid to the company on account of the original capital stock.

Seventh.—The amount of funded debt.

Eighth.—The amount of floating debt.

Ninth.—The estimated value of the road bed including iron and bridges.

Tenth.—The estimated value of rolling stock.

Eleventh.—The estimated value of stations, buildings and fixtures.

Twelfth.—The estimated value of other property.

Thirteenth.—The length of single main track.

Fourteenth.—The length of double main track.

Fifteenth.—The length of branches, stating whether they have single or double tracks.

Sixteenth.—The aggregate length of siding and other tracks not enumerated.

Seventeenth.—The number of miles run by passenger trains during the year preceding the making of the report.

Eighteenth.—The number of miles run by freight trains during the same period.

Nineteenth.—The number of tons of through freight carried during the same time.

Twenty-tenth.—The number of tons of local freight carried during the same time.

Twenty-first.—Its monthly earnings for the transportation of passengers during the same time.

Twenty-second.—Its monthly earnings for the transportation of freight during the same time.

Twenty-third.—Its monthly earnings from all other sources respectively.

When railroad
companies to
make full state-
ment of the
affairs of their
corporation.

What statement
to contain.

**What statement
to contain.**

Twenty-fourth—The amount of expense incurred in the running and management of passenger trains during the same time.

Twenty-fifth—The amount of expense incurred in the running and management of freight trains during the same time. Also the amount of expense incurred in the running and management of mixed trains during the same time.

Twenty-sixth—All other expenses incurred in the running and management of the road during the same time, including the salaries of officers, which shall be reported separately.

Twenty-seventh—The amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges and renewal of iron.

Twenty-eighth—The amount expended for improvement, and whether the same is estimated as a part of the expenses of operating or repairing the road, and if either, which?

Twenty-ninth—The amount expended for motive power and cars.

Thirtieth—The amount expended for station houses, buildings and fixtures.

Thirty-first—All other expenses for the maintenance of way.

Thirty-second—All other expenditures, either for management of road, maintenance of way, motive power and cars, or for other purposes.

Thirty-third—The rate of fare for passengers for each month during the same time, through and way passengers separately.

Thirty-fourth—The tariff of freights showing each change of tariff during the same time.

Thirty-fifth—A copy of each published rate of fare for passengers and tariff of freight in force or issued for the government of its agents during the same time.

Thirty-sixth—Whether the rate of fare and tariff of freight in such published lists are the same as those actually received by the company during the same time. If not, what were received?

Thirty-seventh—What express companies run on its roads, and on what terms and on what conditions. The kind of business done by them, and whether they take their freights at the depots or at the office of such express companies.

Thirty-eighth—What freight and transportation companies run on its road and on what terms.

Thirty-ninth—Whether such freight and transportation companies use the cars of the railroad or the cars furnished by themselves.

Fortieth—Whether the freight or cars of such companies are given any preference in speed or order of transportation, and if so in what particular.

Forty-first—What running arrangements it has with other railroad companies setting forth the contracts for the same.

SEC. 7. ADDITIONAL INQUIRIES.] The said commissioners may make and propound to such railroad companies any additional interrogatories relating to the condition, operation and control of said roads, which shall be answered by such companies in the same manner as those specified in the foregoing section.

May make additional inquiries.

SEC. 8. APPLIES TO OFFICERS OF THE ROAD.] Sections six (6) and seven (7) of this act shall apply to the president, directors and officers of every railroad company now existing, or which shall be incorporated or organized in this state, and to every lessee, manager and operator of any railroad within this state.

Applies to the officers of the road.

SEC. 9. Such commissioners shall on or before the first (1st) day of December in each year, and oftener if required by the governor to do so, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual workings of the system of railroad transportation in its bearings upon the business and prosperity of the people of this state, and such suggestions in relation thereto as to them may seem appropriate; they shall also at such time as the governor shall direct, examine any particular subject connected with the condition and management of such railroads and report to him in writing their opinion thereon with their reasons therefor. Said commissioners shall also investigate and consider, what, if any amendment or revision of the railroad laws of this state, the best interests of the state may demand and they shall make a special biennial report on said subject to the legislature.

When to make report to governor—what to contain.

SEC. 10. EXAMINATIONS OF RAILROADS.] Said commissioners shall examine into the condition and management and all other matters concerning the business of railroads in this state, so far as the same pertain to the relations of such roads to the public and to the accommodation and security of persons doing business therewith, and whether such railroad companies, their officers, directors, managers, lessees, agents and employes comply with the laws of this state now in force or which shall hereafter be in force concerning them. In order to enable said commissioners efficiently to perform their duties under this act, it is hereby made their duty to cause one of their number to visit the various stations on the lines of each railroad as often as practicable, and at least once in three (3) months to visit each county in the state in which is or shall be located a railroad station, and personally inquire into the management of such railroad business. And for this purpose all railroad companies and their officers are required to aid and furnish said commissioners with reasonable and proper facilities. Said railroad commissioners or either of them shall have the right in his or their official capacity to enter and remain during business hours in the cars, offices or depots, or upon the railroads of any railroad company within this state, in the

To examine into the condition and management of roads relative to persons doing business therewith.

**Commissioners
not to solicit the
appointment of
any person to a
position on rail-
roads.**

**Neither to
accept position
offered by such.**

Misdemeanors.

**Power to ex-
amine books.**

**Authorized to
examine wit-
nesses.**

**Fee of wit-
nesses.**

performance of official duties. But said railroad commissioner shall not directly or indirectly solicit or request from or recommend to any railroad company or any officer, attorney or agent thereof the appointment of any person or persons to any place or position, nor shall any railroad corporation, its attorney or agent offer any place, appointment or position or other consideration to such commissioners or either of them, nor to any clerk or employe of said commissioners, whatever; neither shall said commissioners nor their secretary, clerks, agents, employes, or experts, accept, receive or request any pass, present, gift or gratuity of any kind from any railroad corporation, and the request or acceptance by them or either of them of any such place or position, pass, presents, gifts or other gratuity shall work a forfeiture of the office of the said commissioner or commissioners, secretary, clerk or clerks, agent or agents, employe or employes, expert or experts, who shall be guilty thereof. And any violation of this section or any part thereof shall also be deemed a misdemeanor and punishable as such, and any commissioner who shall reveal any information gained by him from any railroad company to any other railroad company or person shall be guilty of a misdemeanor.

SEC. 11. POWER TO EXAMINE BOOKS.] The property, books, records, accounts, papers, and proceedings, so far as they relate to the condition, operation or management of the road, of all such railroad companies, shall at all times during the business hours, be subject to the examination and inspection of such commissioners, and they shall have power to examine, under oath or affirmation, any and all directors, officers, managers, agents and employes of any such railroad corporation and other persons, concerning any matter relating to the condition and management of such business.

SEC. 12. MAY EXAMINE WITNESSES, ETC.] In making any examination as contemplated in this act or for the purpose of obtaining information pursuant to this act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, and may administer oaths. In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the district court of any county, upon application of the said commissioners, to issue an attachment for such witness and compel such witness to attend before the commissioners and give his testimony upon such matters as shall be lawfully required by such commissioners, and the said court shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court. Said witnesses shall receive the same compensation as witnesses in civil actions, to be paid by the party subpœnaing them and in case such witnesses are subpœnaed by the commissioners, such fees shall be paid by warrants on the state treasury, to be drawn

by the state auditor on vouchers for the same, approved by said commissioners.

SEC. 13. PENALTY AGAINST WITNESSES.] Any person who shall willfully neglect or refuse to obey the process of said subpoena issued by said commissioners, and appear and testify as therein required, shall be deemed guilty of a misdemeanor and shall be liable to an indictment in any court of competent jurisdiction, and on conviction thereof shall be punished for each offense by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or by imprisonment in the county jail of not more than thirty (30) days, or both, in the discretion of the court before which such conviction shall be had.

Penalty for disobeying summons to appear as witness.

SEC. 14. PENALTY AGAINST RAILROAD COMPANIES, ETC.] Every railroad company and every officer, agent or employe of any railroad company who shall willfully neglect to make and furnish any report required in this act at the time herein required, or who shall willfully and unlawfully hinder, delay or obstruct said commissioners in the discharge of the duties hereby imposed upon them, shall forfeit and pay a sum of not less than one hundred (100) dollars nor more than five thousand (5,000) dollars for each offense, to be recovered in a civil action, and every railroad company and every officer, agent or employe of any such railroad company shall be liable to a like penalty for every period of ten (10) days it or he shall willfully neglect or refuse to make such report.

Penalty against railroad companies for willful neglect in making report, etc.

SEC. 15. Every railroad company or corporation organized under the laws of this state or doing business therein, shall, upon application, permit any person, company or corporation, for an annual rental of one (1) dollar, to construct, maintain and operate any elevator or warehouse at any of its regular way stations, to be used for the purpose of receiving, storing and handling grain, and such permission shall be granted without regard to the capacity of such elevator or warehouse, and without discrimination as to persons and in the order of application, and such railroad company shall also provide reasonable side track facilities and running connections between its main track and elevators and warehouses, upon or contiguous to its right of way at such stations, and every such railroad corporation shall permit connections to be made and maintained in a reasonable manner with its side tracks to and from any warehouse or elevator, without reference to its size or capacity, where grain is or may be stored; *Provided*, That this shall not be construed so as to require any railroad company to construct or furnish any side track off from its own land; *Provided further, however*, That such elevators and warehouses shall not be constructed within one hundred (100) feet of any existing structure, and shall be at safe fire distance from the station buildings, and so as not to essentially conflict with the safe and convenient operation of the road;

To provide reasonable side-tracks between its main track and elevator—etc.

Road not compelled to build side track off premises.

Compelled to
build side track
—where.

To transfer all
grain stored in
elevators, etc.—
to keep register
—what to con-
tain—on whom
burden of proof
to rest.

To furnish cars
and transport
grain to destina-
tion indicated
by shipper.

To make appli-
cation for cars.

Must furnish
cars for trans-
portation of
passengers and
freight upon
payment there-
for.

And provided further, That where stations are ten (10) miles or more apart, the railroad company, when required to do so by the railroad and warehouse commissioners, shall construct and maintain a side track for the use of shippers between such stations.

SEC. 16. Every railroad company shall, upon reasonable demand, furnish transportation for all grain stored in such and all elevators and warehouses, or offered for shipment in bulk or otherwise from any established side track at any regular station on its line, promptly and without any discrimination whatever, for or against any person, company or corporation, and such railway company shall keep at its several stations a complete register of all cars and to whom the same are so furnished, the date when furnished, and said register shall be for the inspection of all persons interested. In all controversies in regard to the furnishing of cars, the burden of proof shall rest with the company or corporation so seeking to excuse itself for its refusal or neglect to furnish cars.

SEC. 17. Every such company or corporation shall furnish cars suitable for the shipment of grain in bulk, and as hereinbefore provided, and shall, when loaded, whether from any elevator, warehouse or side track, seal the same and take and safely transport the same to the point indicated by the shipper or in the direction thereof so far as its route may extend and with reasonable dispatch and at reasonable rates.

SEC. 18. Any person desiring to ship grain from any of the established side tracks at any way station of any such company or corporation may do so by making application for cars for that purpose. The station agent may collect of the person so applying for cars a sum not to exceed five (5) dollars for each car so ordered to be paid to such company or corporation in case the cars are not loaded and ready for shipment within twenty-four (24) hours from the time so furnished. But when its cars shall remain unused upon its side track for over twenty-four (24) hours, such company or corporation shall be at liberty to reclaim the same.

SEC. 19. **MUST FURNISH CARS AND TRANSPORT PASSENGERS AND PROPERTY.]** Every railroad corporation in this state shall furnish, start and run cars for the transportation of such passengers and property as shall within a reasonable time previous thereto be ready or be offered for transportation at the several stations on its railroad and at the junctions of other railroads and at such stopping places as may be established for receiving and discharging way passengers and freight. And shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places on and from all trains advertised to stop at the same for passengers and freight respectively upon the due payment or tender of payment of tolls,

freight or fare, legally authorized therefor if payment shall be demanded.

SEC. 20. No such railroad corporation shall be guilty of extortion, nor of any unjust discrimination as to passenger or freight rates or the rates for the use and transportation of railroad cars upon its road or upon any of the branches thereof or upon any railroad connected therewith which it has the right, license or permission to operate, control or use within this state, or in furnishing facilities for the loading, unloading, handling or transporting of freights, or shall make any unjust discrimination whatever against any person or persons, town, village, city, station or location in this state, or shall charge, demand or receive from any person, company or corporation for the transportation of persons or property or for any other service a greater sum than it shall at the same time charge, demand or receive from any person, company or corporation for a like service from the same place, upon like conditions and under similar circumstances; *Provided*, That no railroad company shall charge or receive from any person a higher rate per ton per mile for one (1) car load of freight than for a greater number of car loads per car under like conditions and circumstances.

SEC. 21. Whenever the facts in any manner ascertained by said commissioners shall in their judgment warrant such prosecution, it shall be the duty of said commissioners to immediately cause suit to be commenced and prosecuted against any railroad corporation which may violate any of the provisions of this act. All such prosecutions shall be in the name of the state of Minnesota, and may be instituted in any county in this state through or into which the line of the railroad corporation sued for violating this act may extend, and all fines recovered under the provisions of this act shall be immediately paid into the state treasury by the sheriff or other officer or persons collecting the same, and the same shall be passed by the treasurer to the general revenue fund.

SEC. 22. ATTORNEY GENERAL AND COUNTY ATTORNEYS TO PROSECUTE SUITS.] It shall be the duty of the attorney general and the county attorney in any county, on the request of said commissioners, to institute and prosecute any and all suits and proceedings which they or either of them shall be directed by said commissioners to institute and prosecute for a violation of this act or any law of this state concerning railroad companies against such railroad companies or the officers, employes, owners, operators or agents of any such companies, and such railroad commissioners are hereby authorized when the facts of the case presented to them shall in their judgment warrant, to employ counsel to assist the attorney general or any county attorney in conducting such suits. No such suits commenced by said commissioners under the provisions of this act shall be dismissed unless the rea-

Extortion prohibited.

Suits against railroads may be instituted when—how brought.

Prosecuting attorney—who duty of.

How suit may be dismissed.

son therefor shall be stated on the record, and all suits to recover penalties or forfeitures under this act shall have precedence of all other business except criminal business.

*Other offences
for which suit
may be brought.*

SEC. 23. Whenever in the judgment of the railroad commissioners it shall appear that any railroad corporation fails in any respect or particular to comply with the laws of the state, or whenever in their judgment any repairs are necessary upon its road, or any addition to or change of its station or station houses, or to make reasonable connections at crossings with other railroads or any changes in its rates of fare for transporting freight or passengers, or any change in the mode of operating its road or conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodations of the public, said railroad commissioners shall inform such railroad company, through any of its officers, manager or superintendent, by a notice thereof in writing, to be served by leaving a copy thereof with such officer, certified by the commissioner's clerk or secretary, and if such failure be persisted in then the commissioners may in their discretion cause suits or proceedings to be instituted as provided for in sections twenty-one (21) and twenty-two (22) of this act, and a report of all their proceedings under the provisions of this section shall be included in the annual report of the commissioners to the governor, and nothing in this act shall be construed as relieving any railroad company from their responsibility or liability for damage to person or property.

*How cases to be
conducted.*

SEC. 24. In all cases under the provisions of this act the rules of evidence shall be the same as in other civil actions, except as herein otherwise provided and the remedies hereby given shall be regarded as cumulative to the remedies now given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedies nor as limiting the right of any person to prosecute any suit for private damages as now allowed by law.

*"Railroad cor-
poration" de-
fined.*

SEC. 25. "**RAILROAD CORPORATION**" DEFINED.] The term "railroad corporation" contained in this act shall be deemed and taken to mean all corporations, companies or individuals now owning or operating or which may hereafter own or operate any railroad in whole or in part in this state and the provisions of this act shall apply to all persons, firms and companies and to all associations or persons, whether incorporated or otherwise, that shall do business as common carriers upon any of the lines of railways in this state (street railways excepted) the same as to railroad corporations hereinbefore mentioned.

*Not lawful to
limit its com-
mon law liabil-
ity—when.*

SEC. 26. Whenever any property is received by any railroad corporation to be transported from one place to another within or without this state it shall not be lawful for such corporation to limit its common law liability safely to deliver such property at the place to which the same

is to be transported by any stipulation or limitation expressed in the receipt given for the safe delivery of such property; *Provided*, That the shipper and the railroad company may by contract agree on a value for such property and limit the company's liability to such agreed value; *Provided further*, That the consignor and the railway company may by contract, signed by the shipper or his delivering agent, limit such liability, but it shall not be competent for the railroad company in any case to exempt itself from liability for its own negligence by any contract.

When may limit such liability.

SEC. 27. Any railroad corporation offending against any of the provisions of this act shall, upon conviction thereof, be fined for each offense in the sum of not less than one hundred (100) dollars nor more than five thousand (5,000) dollars.

Penalty for offending against provisions of this act.

SEC. 28. So much of chapter one hundred and three (103) of the general laws of one thousand eight hundred and seventy-five (1875), being a part of title eight (8), chapter six (6) of the general statutes of one thousand eight hundred and seventy-eight (1878), as creates the office of railroad commissioner, and all acts and parts of acts inconsistent herewith are hereby repealed, but actions or proceedings or rights of actions already accrued, growing out of or founded upon said acts shall not be affected by such repeal, and the board of railroad commissioners created by this act shall possess all the powers and perform all the duties heretofore imposed upon such railroad commissioner, except so far as the same have been changed by the provisions of this act.

Repeal of former act.

SEC. 29. Twenty thousand (20,000) dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the state treasury to carry out the provisions of this act.

Necessary apportionment.

SEC. 30. This act shall take effect and be in force thirty (30) days after its passage, except the provisions thereof in reference to the appointment of commissioners and defining their duties shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1885.