

CHAPTER 305—S. F. No. 324.

An Act fixing the liability of a bank to its depositor for payment of forged or raised checks.

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

Bank not liable unless forgery is reported within six months.—Section 1. No bank which has paid and charged to the account of a depositor any money on a forged or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon unless either (1) within six months after notice to said depositor that the vouchers representing payments charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been given, within six months after the return of said depositor of the voucher representing such payment, said depositor shall notify the bank that the check so paid is forged or raised.

How notice may be given.—Sec. 2. The notice referred to in the preceding section may be given by mail to said depositor at his last known address with postage prepaid.

Inconsistent acts repealed.—Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 20, 1911.

CHAPTER 306—S. F. No. 344.

An Act to regulate the time and manner in which common carriers doing business in this state shall adjust and pay freight, overcharges and claims for loss or damage to property.

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

Refundment to be made within sixty days.—Section 1. All charges for freight, baggage or express that are collected by a common carrier over what it is entitled to receive under the lawful tariff or classification, shall be refunded by said carrier within sixty (60) days after the payment of the same. *Provided*, that when such overcharge is due to a difference in weight a claim may be filed as provided in section 2.

Contents of claim.—Sec. 2. Every claim against a common carrier doing business in this state, for an overcharge due to

difference in weight, or for loss, damage or injury to property while in its possession, shall be adjusted and paid within sixty (60) days in case of shipment wholly within the state, and within ninety (90) days in case of shipment from without this state, or from a point in this state to a point in another state, after the filing of such claims with the agent of said carrier at the point of the origin, or of the destination of such shipment, or with the claims department of such carrier. No such claim shall be filed until after the arrival of a shipment, or of some part thereof at the point of destination, or until after the lapse of a reasonable time for the arrival thereof. For the purpose of this act, a claim, when filed shall consist of (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, and (d) original invoice or certified copy when necessary. True copies of any of said documents may be used, and in case of absence, an explanation must be attached. The carrier shall acknowledge the filing of a claim, or any letter, papers or documents purporting to be such, within ten days after receipt, and if the claim so filed does not comply with the above requirements, the carrier shall so inform the claimant and advise him of what may be required to complete the claim.

Interest to be charged.—Sec. 3. In every case such carrier shall be liable for the amount of such overcharge and for such loss, damage or injury to property, together with interest thereon from the date of the filing of the claim therefor until the payment thereof.

Penalty of \$25 attached.—Sec. 4. Failure to adjust and tender or pay such overcharge or claim within the periods herein prescribed shall subject such common carrier so failing, to a penalty of twenty-five (\$25.00) dollars for each and every such failure, to be recovered by the claimant in the action or proceeding brought to collect such claim or overcharge, in any court in the state. Unless such claimant recovers in such action the full amount claimed by him, no penalty shall be recovered, but only the actual amount of the loss, injury or damage to property or amount of the overcharge, with interest. And if, in such action, a special issue of fraud is raised and such claim is found to be fraudulent, the claimant shall pay to the carrier the penalty of twenty-five (\$25.00) dollars, to be recovered along with the costs. In an action brought under the provisions of this law, if the carrier can show that it made a tender of the amount claimed, with interest, and a penalty of five (\$5.00) dollars, within five days after a demand that is made at any time after the expiration of the time specified in sections 1 and 2, then it shall only be subject to the penalty of five (\$5.00) dollars, to be recovered along with the costs.

Remedy to be cumulative.—Sec. 5. The remedy herein provided is cumulative, and shall not deprive the claimant of any other right of action provided by statute or by the common law.

Sec. 6. This act shall take effect from and after the 1st day of May, A. D. 1911, and it shall not apply to shipments made prior thereto.

Approved April 20, 1911.

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CHAPTER 307—S. F. No. 636.

An Act authorizing cities of this state of over 50,000 inhabitants not being a city organized and existing pursuant to section 36 of article 4 to issue and sell municipal bonds and use the proceeds thereof for constructing an electric light, heat and power plant in connection with the city crematory and equipping the same with all necessary machinery and appliances and constructing, erecting, placing and maintaining wires, cables, conductors, poles, conduits, subways, ducts, pipes and other fixtures for the generation of electricity and electric power and conveying and transmitting the same for light, heat and power purposes, for the use of such cities and the inhabitants thereof.

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

\$50,000 electric light bonds authorized.—Section 1. Any city of this state now or hereafter having a population of more than fifty thousand inhabitants, in addition to all powers now possessed by such city, is hereby authorized and empowered, acting by and through the city council or common council of such city, by ordinance or resolution duly enacted or passed by an affirmative vote of not less than two-thirds of all members elect of such city council or common council, to issue and sell bonds of such city to an amount not exceeding fifty thousand dollars (\$50,000) par value, and use the proceeds thereof for the purposes of constructing an electric light, heat and power plant in connection with the city crematory of such city and equipping the same with all necessary machinery and appliances and constructing, erecting, placing and maintaining wires, cables, conductors, poles, conduits, subways, ducts, pipes and other appliances, for the generation for electricity and electric power and conveying and transmitting the same for light, heat and power purposes, for the use of such city and the inhabitants thereof.

To be issued regardless of present indebtedness.—Sec. 2. The bonds authorized by section 1 of this act or any portion thereof may be issued and sold by any such city notwithstanding