

of the property sold, and payable to him on demand and reasonable proof of such ownership.

SEC. 3. The provisions of this act shall extend as well to property heretofore received and transported by any railroad company in this state, as to property that may hereafter be so received and transported.

Have jurisdiction over goods heretofore received.

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

When act to take effect.

Approved March 6, 1871.

CHAPTER XXIV.

An Act to regulate the carrying of freight and passengers on all railroads in this State.

March 6, 1871

SECTION 1. Legal rates to be charged for the transportation of freight over the line of any railroad in this State.

1. On all grain, potatoes, flour, meal, beef, pork, and meats of all kinds.
2. Upon timber, lumber, laths, shingles, coal and salt.
3. Upon dry goods and other articles of merchandise.
4. Upon sugar in barrels and other articles of merchandise.
5. Upon wood.
2. Rate of passenger tariff.
3. No charge for handling or transferring freight—when authorized to charge for storage.
4. To receive freight of all kinds above mentioned when brought for transportation—to make no discrimination between warehouses of private individuals and those owned by the company.
5. Payments for passengers may be demanded in advance—for freight on delivery.
6. How to proceed in case freight passes over two or more lines of road.
7. To transport freight within a reasonable time, &c.
8. All lines of roads declared public highways—penalty for non-compliance with provisions of this act.
9. Declared to be maximum rates—when railroad deemed to have misused its power—duty of Attorney General.
10. When act to take effect.

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

SECTION 1. It shall be lawful for any railroad com-

pany or corporation doing business in this state from and after the date when this act shall take effect as hereinafter provided, to demand and receive from any person, corporation, company or association desiring the transportation of freight by any such railroad company or corporation over its line or lines of railroad, payment for such transportation at and after the rates following, viz :

Legal rates to be charged for the transportation of freight.

First—On all kinds of grain, potatoes, flour, meal, beef, pork, and meats of all kinds, at the rate of six cents per ton per mile, for the first twenty miles or less, that the same may be transported over such line or lines of railroad, and at the rate of five cents per ton per mile for any distance exceeding twenty and not more than fifty miles, and at the rate of four cents per ton per mile for any distance exceeding fifty and not more than one hundred miles, and at the rate of three and one-half cents per mile for any distance exceeding one hundred miles that the same may be transported. *Provided*, That if the amount of freight desired to be transported at one time shall be less than one car load, such company or corporation may demand and receive an increased compensation therefor at the rate of twenty per cent above the prices hereinbefore established.

Second—Upon sawed timber, lumber, laths, shingles, coal and salt, at and after the rates following, viz : At the rate of ten dollars per car load for any distance not exceeding twenty miles, and in addition thereto the following rates, to wit : at the rate of eighteen cents per car load per mile for any distance beyond twenty miles and not exceeding fifty miles ; and at the rate of thirteen cents per car load per mile for any distance beyond fifty miles and not exceeding one hundred miles, and at the rate of eleven cents per car load per mile for any distance beyond one hundred miles. *Provided*, That if the amount of material herein mentioned, desired to be transported at any one time is less than one car load, then such railroad company or corporation may demand and receive compensation in addition to the price above specified, not exceeding twenty per cent. above the prices so specified. For the purposes of this section and the section preceding, a car load shall be taken to be twenty thousand pounds weight.

Third—Upon dry goods and other articles of merchandise usually carried by railroads at rates denominated

first class, at rates twenty-five per cent. in advance of those specified in the first sub division of this section.

Fourth—Upon sugar in barrels and other articles of merchandize, usually carried by railroads at rates denominated fourth class, at the same rates specified in the first sub-division of this section.

Fifth—Upon wood at the rate of nine dollars per car load for any distance not exceeding thirty-five miles, and at the rate of eighteen cents per car load per mile for any distance beyond thirty-five miles, and not exceeding sixty miles, and at the rate of thirteen cents per car load per mile for any distance beyond sixty miles, provided a car load shall not be less than six cords.

SEC. 2. It shall be lawful for any railroad company or corporation in this state from and after the date when this act shall take effect as herein provided, to demand and receive payment for carrying passengers on any railroad in this state at and after the rate of five cents per mile for each person for the distance such person shall be actually transported by such railroad.

Rate of passenger tariff.

SEC. 3. No railroad company or corporation shall charge any compensation for handling, transferring, or storing any freights transported or to be transported over the line of its railroad, except that upon all freights stored for a longer period than two days after notice given to the consignee to remove the same, such company or corporation may demand and receive for storage exceeding that time such compensation as the same may reasonably be worth. But railroad companies and corporations that shall provide cars at convenient places for loading such freights, may require the consignors, to load on the cars timber, lumber, lath, shingles and wood which shall be delivered for transportation.

No charge for transferring freight—when to charge for storage.

SEC. 4. It shall be the duty of all railroad companies and corporations in this state, to receive all freights of the kinds mentioned in this act, at any depot or station of such company or corporation, whenever brought to such depot for transportation, and to provide suitable places for the storage and reception of such freight at all of its depots and stations. And all railroad companies and corporations shall furnish equal facilities for transporting and shall transport freights of every description in this state to and from warehouses or elevators other than those owned by any such company or corporation at the same rates as from warehouses or elevators owned by such

To receive above-mentioned freight when brought for transportation—no discrimination between individual or corporation warehouse.

company or corporation, and shall make no discrimination in favor of nor against any warehouse nor elevator.

Passenger fare to be paid in advance—freight, on delivery.

SEC. 5. Payment for transportation of passengers may be demanded in advance, and payment for freight may be demanded at the place of delivery of such freight after transportation and before delivery.

When freight passes over the line of one or more roads how to proceed.

SEC. 6. That in all cases where freights are offered for transportation over any line of railroads in this state, to be carried to and delivered at any point not on the line of said railroad, but upon the line of any other railroad with which there is a connection by railroad, the said railroad company or corporation where such freight shall be offered for transportation, shall receive and transport the same over its line of railroad to its point of junction with some other connecting line of railroad in the direction to which said freight is desired to be transported by the party offering the same, and any railroad company or corporation with whose line of railroad such junction is made, shall receive such freights and transport the same to the point of delivery, if on its line of railroad, or if not on its line of railroad, then to such point on its line of railroad as the owner or consignee of such freight may direct. And in all cases where freight shall be so offered for transportation, and in order to reach the point to which the owner or consignee may direct the same to be transported for delivery, it shall be necessary to transport the same over two or more lines of railroad the provisions of this act shall apply to each railroad or corporation over whose line of railroad such freight may be transported to its place of delivery, and shall be transported by each and all of such railroads at and after the rates hereinbefore specified. *Provided*, That in ascertaining the amount of charges to be paid for such transportation, the distance such freight may have been transported over all such railroads shall be charged for only at the rates the same would have been charged for under the provisions of this act had the same been transported the whole of such distance over one only of such lines of railroad. *Provided, further*, That unless the railroad companies or corporations over whose lines of railroad any freight shall be so transported shall agree upon some other manner of dividing the amount of charges collected for such transportation, the same shall be divided between them in manner following: The whole amount of such charges shall be divided by the whole number of miles

such freight shall have been transported by such companies or corporations, and each of such companies or corporations shall be entitled to its proportion of such charges according to the number of miles such freight shall have been transported over each of such lines of railroad.

SEC. 7. That all railroad companies or corporations doing business in this state, shall transport all freights offered for transportation, within a reasonable time, and in the order of the reception of the same for carriage. And if any railroad company or corporation shall transport freights of any description for any person or persons, corporation, company or association, at rates less than are provided in this act, then such company or corporation shall thereafter transport freights of the same description over its line of railroad for all other persons at the same reduced rates during the time such discrimination is in force.

To carry freight within a reasonable time.

SEC. 8. That all lines of railroad in this state are hereby declared to be public highways, and all persons shall have and enjoy the right of passage over the same in the passenger cars running and to be run thereon, and the right to have freight of all kinds transported upon and over any and all of such railroads in the cars running and to be run thereon at rates of charges not exceeding those specified in this act. And each and all railroad companies doing business in this state are hereby required to transport all passengers and freights in the manner and at rates not exceeding those specified in this act; and if any railroad company or corporation shall fail so to do, or shall violate any of the provisions of this act, such company or corporation shall pay to the party aggrieved by such failure the sum of one thousand dollars as settled and liquidated damages, to be recovered by the party injured, in a civil action, and the cost and disbursements of such action.

Declared public highways—penalty for non-compliance.

SEC. 9. The rates established by this act for the transportation of freight and passengers are hereby declared to be the maximum of reasonable rates. If any railroad company or corporation shall demand or receive higher rates for such transportation than are established by this act, it shall be deemed to have misused its powers and violated the terms on which its charter and franchises were granted, and it is hereby made the duty of the attorney general of this state, upon receiving satisfactory

Maximum rates—misuse of power, duty of Attorney General.

evidence of such misuser, to cause proceedings to be instituted and prosecuted against such railroad company or corporation in the proper court for the forfeiture of the charter and franchises of such railroad company or corporation, or for the collection of a fine not exceeding one thousand dollars for each violation of the provisions of this act, at the discretion of the court before which the case shall be tried.

When act to take effect.

SEC. 10. This act shall take effect and be in force on and after the first day of May, A. D. one thousand eight hundred and seventy-one.

Approved March 6, 1871.

CHAPTER XXV.

An Act in relation to mixing grain in elevators or warehouses.

March 6, 1871.

- SECTION 1. Mixing inferior grade with better grade without owners consent deemed unlawful.
2. Mixing different grades of grain without owners consent, deemed a misdemeanor—how punished.
 3. When act to take effect.

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

Mixing grains without consent deemed unlawful.

SECTION 1. It shall be unlawful for any warehouseman or agent of an elevator to mix grain received by them or either of them, as of an inferior grade, with grain received by them as of a better grade, and deliver the same to the owner for grain of the better grade, without the consent of the owner.

Deemed a misdemeanor—how punished.

SEC. 2. Any warehouseman or agent of an elevator who mixes grain received by them or either of them, as of an inferior grade, with grain received by them or either of them, as of a better grade, without the consent of the owner, and delivers or offers to deliver the same to