

habitual drinker or minor, knowing them to be such, with money or its equivalent furnished by such person or by such drunkard, intemperate drinker, minor or other person for him, any intoxicating liquors shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, together with costs of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than ninety (90) days and in case of default in payment of such fine, until such fine and costs are paid, not exceeding ninety (90) days.

It shall be unlawful for any person in any city, village, town or borough in this state to sell, barter, furnish or dispose of in any manner either directly or indirectly or by agent employe or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, commonly called Sunday, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day, commonly called Sunday, and of every general or special election day, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than thirty (30) dollars nor more than one hundred (100) dollars and costs of prosecution and by imprisonment in the county jail not less than ten days (10) days nor more than thirty (30) days."

Sabbath closing.

Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 1st, 1895.

CHAPTER 91. C. 91 88-M . 448

H. F. No. 210. 95 C 91
99 - 30
74-M - 893

An act to amend chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887) entitled an act to regulate common carriers and creating the railroad and warehouse commission of the state of Minnesota and defining the duties of such commission in relation to common carriers.

To amend
Chap. 10 G. L.
1887. 95 C 91
71-M 520
83-NW 61
95 C 91
80-M - 192

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

SECTION 1. That section three (3) of chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887) be amended so as to read as follows;

Transfer facilities at track crossings.

Sec. 3. (A). That all common carriers subject to the provisions of this act shall provide at all points of connection, crossing or intersection at grade where it is practicable and necessary for the interest of traffic, ample facilities by track connections for transferring any cars used in the regular business of their respective lines of road from their lines or tracks to those of any other common carrier whose lines or track may connect with, cross or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of passengers, property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates or charges between such connecting lines or on freight coming over such lines; but this shall not be construed as requiring any common carrier to furnish for another common carrier its tracks equipment or terminal facilities without reasonable compensation; that each of said connecting lines shall pay its proportionate share for the building and maintenance of such tracks and switches as may be necessary to furnish the transfer facilities required by this act and in case they cannot agree on the amount which each line shall pay, then said amount shall, upon application by either party, be determined and adjusted by the railroad and warehouse commission and either party shall have the right to appeal from the order of said commission, fixing the amount so to be paid to the district court of the county wheresaid transfer facilities are furnished by serving a notice in writing on the adverse party within ten (10) days after the making and filing of such order by said commission, and upon the service of such notice there shall be pending in said district court a civil action for the adjustment and determination of the amount to be paid by each carrier for the expense of the building and maintenance of said transfer facilities. Pleading shall be made and filed in said action in conformity to those required by law and rules of practice in said court, and said cause shall be tried in the manner provided for the trial of civil actions in the district courts of this state.

Expense of connecting tracks, how determined and paid.

Pleadings.

Rates.

(B). All railway companies doing business in this state shall, upon the demand of any person or persons interested, or upon demand of the railroad and warehouse commission establish reasonable joint through rates for the transportation of freight between points on their respective lines within this state.

Carload lots.

Carload lots shall be transferred without unloading from the cars in which such shipments were first made,

unless such unloading into other cars shall be done without charge therefor to the shipper or receiver of such carload lots and such transfer shall be made without unreasonable delay under such contract arrangements as such connecting companies may make, or under such rules as the railroad and warehouse commission may prescribe as hereafter provided in this act.

Less than carload lots shall be transferred into the connecting railway cars at cost, which shall be included in and made a part of the joint rates adopted by such railway companies, or established as provided by this act. When shipments of freight to be transported between different points within this state, are required to be carried by two (2) or more railway companies operating connecting lines, such railway companies shall transport the same as reasonable through rates, and shall at all times give the same facilities and accommodations to local or state traffic as they give to interstate traffic over their lines of road.

Connecting
lines.

(C) In the event of that said railway companies fail to establish through joint rates or fail to establish and charge reasonable rates for such through shipments, or fail to establish between themselves the rates and terms upon which cars of one company shall be transferred in such through shipments from the line of one company to the other and returned, or fail to provide for the convenient and prompt transfer of such through freight, from the cars of the receiving company to those of the connecting line, it shall be the duty of the railroad and warehouse commission of this state, and said commission is hereby directed, upon the application of any person or persons interested to establish reasonable joint rates for the shipment of freight and cars over any two or more connecting lines of railroad in this state, and to prescribe the reasonable rules under which any such cars so transferred shall be returned; and in establishing, changing or revising any such rates they shall take into consideration the average of rates charges by said railway companies operating such connecting lines for joint interstate shipments for like distances.

Through joint
rates, how es-
tablished.

The rates established by said commission shall go into effect within ten (10) days after the same are promulgated by said commission and from and after that time the schedule of rates so established, shall be prima facie evidence in all the courts of this state that such rates are reasonable through rates for the transportation of freight and cars upon the railroads for which such schedule shall have been fixed.

When to take
effect.

Agreement by
roads before
promulgation
by commission.

(D) Before the promulgation of such rates or rules as above provided, the railroad and warehouse commission shall notify the railroad companies interested in the schedule of joint rates fixed by them, and they shall give said railroad companies a reasonable time thereafter to agree upon a division of charges provided for in such schedule; and in the event of the failure of the railway companies to agree upon such division and to notify the board of such agreement, said commission shall, after a hearing of the companies interested decide the same, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by the commission shall in all controversies or suits between the railroad companies interested be prima facie evidence of the just and reasonable division of such charges.

Unjust charge
prohibited.

(E) Every unjust and unreasonable charge for the transportation of freight and cars over two or more railroads in this state is hereby prohibited and declared to be unlawful, and every company or person violating the provisions of this section shall be subject to the penalties prescribed in section twelve (12) of the original act to which this act is amendatory.

When cars need
not be sent over
other roads.

(F) Nothing herein contained shall be construed as requiring any railroad company to send its cars over the line of railroad of another company when its own line of railroad runs to and reaches the point of destination or the point of connection with another railroad on which such point of destination is located, or to use its track or terminal facilities at terminal points for the handling of cars or traffics of another or competing company; *provided*, that in no case shall the charges for transportation exceed the established through joint rates between any two points.

Common law
liability not to
be limited.

(G) Whenever any property is received by any common carrier subject to the provisions of this act to be transported from one place to another within this state, it shall be unlawful for such common carrier to limit in any way, except as stated in its classification schedule, hereinafter provided for, the common law liability with reference to such property while in its custody as a common carrier; such liability must include the absolute responsibility of the common carrier for the acts of its agents in relation to such property.

SEC. 2. That subdivision "B" of section nine (9) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) is hereby amended by striking out all after the word "office" in line twelve (12) of said subdivision "B" and substituting therefor, the following, to-wit:

Said commissioners shall not, while holding office under this act, be interested in any stock or bonds of any common carrier or in any contract for the construction, repair or maintenance of any railroad, or accept any retainer or employment from any common carrier under the jurisdiction of said commission.

Commissioners
not to hold
stock or bonds
of carriers.

No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 3. That subdivision "D" of section fifteen (15) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) as amended by chapter one hundred and six (106) of the general laws of one thousand eight hundred and ninety-one (1891) is hereby amended by inserting in line two (2) of said subdivision "D" after the word "commission" the words "or any party to any proceeding before said commission and affected by its order."

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

Approved April 25th, 1895.

CHAPTER 92.

H. F. No. 280.

An act to amend section seven (7), chapter two hundred and eight (208), of the general laws of 1887, limiting the salary of the principal keeper of the Minnesota state reformatory at St. Cloud.

To amend Sec.
7, Chap. 208
G. L. 1887.

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

SECTION 1. That section seven (7) of chapter two hundred and eight (208) of the general laws of eighteen hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words and figures "one thousand dollars (\$1,000)," where they appear in said section as limiting the salary of the "principal keeper" and inserting in place thereof the words and figures twelve hundred dollars (\$1,200).

Salary of
keeper of St.
Cloud Reforma-
tory.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.