

S. F. No. 300.

CHAPTER 189.

To regulate
common car-
riers and
duties of rail-
road and
warehouse
commission.

An act to amend chapter ten (10) of the General Laws of the State of Minnesota for the year 1887, being 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.

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

SECTION 1. That section fifteen (15) of chapter ten (10) of the General Laws of 1887 is hereby amended by adding the following subdivision:

In case no
jurisdiction
of railroad
commission.

(e) Whenever the commission in any proceeding commenced under the provisions of subdivisions (e) or (f) of section eight (8) of this act shall decide that it has no jurisdiction to determine the reasonableness of any rates, fares, charges or classifications under consideration in such proceeding, for the reason that the traffic covered by said rates, fares, charges or classifications is interstate commerce, it may make its order dismissing the proceedings as to such traffic, stating the grounds for such dismissal.

Appeal to
district
court.

Any party to the proceedings or intervenor therein, or the attorney general may within thirty days after a copy of such order is served on him, appeal to the district court of any county of this state in which the defendant carrier or any one of them, if more than one carrier is a party to the proceeding operates any part of its line of railroad, by serving on the defendant carriers and filing with the commission a notice of appeal, stating that he appeals from the order to the district court, naming the county and giving the title of the proceeding before the commission and the date of the order. If one of the members of the railroad and warehouse commission dissent from the order of dismissal, the commission may certify the question of its jurisdiction to the district court of any county to which the appeal herein provided may be taken, and the commission shall notify defendant carriers and all other parties to proceedings that it has certified the question to the district court, stating the county and the date of the certificate upon the taking of an appeal or the certifying the question of jurisdiction to the court, the commission shall forthwith file with the clerk of the

Dissent.

Railroad and
warehouse
commission
may certi-
fy to dis-
trict court.

court to which the appeal is taken or certificate made, all the papers, pleadings or orders, proceedings and evidence had before the commission including the notice of appeal and the findings of the commission and order of dismissal, and upon the finding of such papers, there shall be pending in said court a civil action for the purpose of determining the question of jurisdiction of the commission to hear and determine the reasonableness of the rates, fares, charges or classifications involved in the decision and order of the commission hereinbefore referred to. That said action may be brought on for hearing by either party on ten days notice in term time or in vacations, and the court shall proceed to hear the same upon the evidence taken before the commission, and such further evidence as may be offered in the manner provided by law for the trial of civil actions. After hearing the evidence, the court shall make its order affirming or reversing the order of the commission and in case the order of the commission is reversed, the proceedings shall be again taken up by the commission and the question involved determined on their merits.

Any party to the action, the attorney general or the railroad and warehouse commission, may appeal to the supreme court from the order of the district court in the manner provided for appeals in civil actions.

Appeal to
supreme
court.

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

Approved April 14, 1903.

CHAPTER 190.

S. F. No. 131.

An act to amend section one thousand two hundred and nineteen (1219) of the General Statutes of one thousand eight hundred and ninety-four (1894), as amended by section two (2) of chapter thirty-three (33) of the General Laws of one thousand eight hundred and ninety-nine (1899), providing for duties of village officers and payment of orders.

Village of-
ficers and
payment of
orders.

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

SECTION 1. That section one thousand two hundred and nineteen (1219) of General Statutes of one thousand eight hundred and ninety-four (1894), as amended by