

CHAPTER 195—H. F. No. 858.

An Act relating to the enforcement of rates of common carriers prescribed by authority of the State, and for the restitution of charges made by such carriers in excess of such rates.

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

Duty of attorney general—Duty of common carrier—Report.

—Section 1. Whenever any common carrier doing business in this state shall fail or refuse to adopt and put into effect any rates prescribed by the statute, or any rates prescribed by an order of the railroad and warehouse commission after the time for appeal from such order has expired, and such rates have by the terms of such law or order become effective, it shall be the duty of the attorney general to forthwith commence appropriate proceedings for and in the name of the state for the enforcement of the law or the order prescribing such rates, in the district court of Ramsey county or in the district court of any county in which such common carrier has an agent or station, or in which its said business is carried on, and during the pendency of such proceedings—or during the pendency of any proceedings instituted in any court having jurisdiction by or on behalf of such common carrier to resist the enforcement of such law or such order, it shall be the duty of every such common carrier to keep a correct account of every charge made by it for any service to which such rates apply in excess of the rates so prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged under such rates, the date of the transaction, the stations between which the business was carried, and the names and addresses of the consignor and consignee.

Every such common carrier shall on or before the tenth day of each month report such information in full, covering the business of the preceding month, to the railroad and warehouse commission, and said commission shall carefully preserve such information in its office.

Common carrier to pay to railroad commission excess rates with interest.—Sec. 2. Within sixty days after such judicial proceedings, brought to enforce or to resist the enforcement of such rates, are ended by the entry of final judgment therein—unless by such judgment said rates are found to be unlawful—every such common carrier shall pay to said railroad and warehouse commission, for the benefit of the parties entitled thereto, all sums so charged and collected by it on the business to which such rates apply, in excess of the rates so prescribed, with lawful interest thereon from the date when each item thereof was received, and it shall thereupon be the duty of said railroad and warehouse commission to pay such money with said interest to

the person, firm or corporation by or for whom the same was paid to such common carrier, and for the purposes of this act the person holding the original receipted freight bill showing the payment thereof to such common carrier shall be taken to be the persons entitled to so receive such money.

Attorney general to commence suit for unlawful charges—Filing of claims—Unclaimed amounts to be paid into state treasury.—Sec. 3. If any common carrier affected by such rates shall fail or refuse to pay to the railroad and warehouse commission within the time aforesaid all moneys so collected by it in excess of the amount lawfully collectible under the rates so prescribed, or to file with the said commission within said time the written release of his claim signed by the person entitled to such restitution, it shall be the duty of the railroad and warehouse commission to report such default of such common carrier to the attorney general, who shall thereupon bring an action in the name of the state of Minnesota for the benefit of the parties having paid such overcharges, to recover the same from such common carrier, and it shall have the exclusive right to sue for and collect such money of said common carrier and in such action, in addition to the aggregate amount of such excess charges and interest, the court shall allow ten per cent thereof additional as a penalty.

All persons entitled to any part of such money shall file their claims therefor within one year from the time when the litigation involving the validity of said rates is ended.

And all amounts paid to or recovered by the railroad and warehouse commission, not so claimed, shall be paid into the state treasury to the credit of the general revenue fund.

Officers guilty of a misdemeanor.—Sec. 4. Every common carrier and the officers and agents thereof whose duty it is to make collections of any such rates and keep the accounts thereof, who shall wilfully fail or neglect to keep such accounts as are herein provided for, or who shall make any intentional false account, entry or report in reference thereto, or who shall fail to make the reports herein provided to be made to said railroad and warehouse commission, shall be guilty of a misdemeanor.

Certain provisions repealed.—Sec. 5. All provisions of law prescribing any other procedure for the enforcement of any rate or schedule of rates that have been heretofore or may be hereafter prescribed, either by act of the legislature or by any order of the railroad and warehouse commission, applying to the intrastate business of any common carrier doing business in this state, or prescribing any penalty for the failure of any common carriers to put any such rates into effect, are hereby repealed, but the court in which proceedings for the enforcement of such rates may be pending may impose penalties for disobedience to its orders made in such proceeding as for contempt.

Application.—Sec. 6. This act shall take effect and be in force from and after its passage, and shall apply after ten days from the date of its passage to all rates heretofore prescribed in this state, which have not been put into effect.

Approved April 15, 1909.

CHAPTER 196—S. F. No. 187.

An Act entitled "An Act relating to the expenditure of the county road and bridge fund in counties having a population of over 200,000 and not over 275,000 inhabitants, and authorizing the Board of County Commissioners in certain cases to improve roads through villages."

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

County commissioners may provide for connecting roads.—

Section 1. Whenever, in any county now having, or which may hereafter have a population of over 200,000 and not over 275,000 inhabitants, the board of county commissioners shall have permanently improved any county road leading up to the limits of any village, and shall have also permanently improved any other public road leading up to the limits of such village at another point, and any public way or road within the limits of such village constitutes a natural or convenient connection between such improved roads, in such case the board of county commissioners, with the consent of the village council, may cause such connecting way within the village limits to be permanently improved.

To be paid out of county road and bridge fund.—Sec. 2. Such improvement shall be provided for and made in the same manner and under like conditions as are improvements to county roads, and the cost of making such improvement may be paid out of the county road and bridge fund.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1909.