

Every such person shall upon conviction thereof be punished by imprisonment not exceeding ninety (90) days, or by a fine not exceeding one hundred dollars (\$100.00).

Approved April 24, 1909.

CHAPTER 488—H. F. No. 776.

An Act to amend chapter 202, Laws of 1907, relating to automatic couplers and grab irons on freight cars and providing a penalty for violation thereof.

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

That chapter 202, Laws of 1907, be, and the same is hereby amended so as to read as follows:

Automatic couplers required.—Section 1. That on and after the first day of July nineteen hundred and eight it shall be unlawful for any railway company or common carrier in moving freight between points in the state to haul or permit to be hauled or used on its line any car not equipped with couplers coupling automatically by impact and which can be uncoupled without the necessity of men going between the ends of the cars.

Grab irons and hand holds required.—Sec. 2. That on and after the first day of July nineteen hundred and eight it shall be unlawful for any railway company or common carrier in moving freight between points in the state to use any car that is not provided with secure grab irons or hand holds in the ends and sides of each car for the greater security to men in coupling and uncoupling cars.

Train brake system required.—Sec. 3. That it shall be unlawful for any railroad doing business in the state of Minnesota to use on this line any locomotive in the moving of its trains not equipped with power, driving wheel, brakes and appliances of operating the train brake system or to run any train over its road that has not 75% of the cars in such train equipped with power or train brakes and having the brakes used and operated by the engineer of the locomotive drawing such train, and all power brake cars in such train shall be associated together and have their brakes used and operated. *Provided*, that this section shall not apply to the handling of trains or cars in yard service, or to a local train while engaged in performing switching service.

Draw bars of certain gauge required.—Sec. 4. That it shall be unlawful for any railroad doing business in the state of Minnesota to use any locomotive, tender, car or similar vehicle used in

the movement of state traffic, that is not provided with draw bars of standard height, to wit, standard gauge cars 34½ in., narrow gauge cars 26 in. measured perpendicularly from the level of the tops of the rails to the center of the draw bars; the maximum variation from such standard heights between draw bars of empty and loaded cars shall be 3 inches.

To apply to locomotives, cars and trains.—Sec. 5. That the provisions of sections 1, 3 and 4, of this act shall also apply to locomotives, cars and trains used in passenger traffic in the state of Minnesota, in so far as the same are applicable to the vehicles used in passenger train traffic.

Carrier may refuse cars of other companies.—Sec. 6. That any such common carrier may refuse to receive from connecting lines or from any shipper any car not equipped in accordance with the foregoing sections of this act.

Contribution for death or injury of employe.—Sec. 7. That any employe of any such common carrier who may be killed or injured by any locomotive, tender, car, similar vehicle, or train, in use contrary to the provisions of this act, shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, tender, car, similar vehicle, or train has been brought to his knowledge, nor shall such employe be held to have contributed to his injury in any case where the carrier shall have violated any provision of this act, when such violation contributed to the death or injury of such employe.

Powers of railroad and warehouse commission.—Sec. 8. The railroad and warehouse commission of Minnesota may from time to time after full hearing and for good cause shown, increase the minimum percentage of cars in a train required to be operated by power or train brakes, and a failure to comply with any requirement of said commission shall be subject to a like penalty as a failure to comply with any requirement of this act. The said railroad and warehouse commission of Minnesota is hereby authorized to grant to any common carrier subject to this act, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act; *provided*, that in no case shall such extension or extensions in the aggregate, exceed the period of eighteen months from and after the approval of this act.

Penalty for violation.—Sec. 9. That every railroad or the receiver thereof, using or permitting to be used on its line or to be hauled on its line, any locomotive, tender, car or similar vehicle or train in violation of any of the provisions of this act shall be liable to the state of Minnesota for a penalty of one-hundred dollars (\$100.00) for each offense and such penalties shall be recovered in a suit brought in the name of the state of

Minnesota, in any court having jurisdiction thereof, in any county in or through which such line of railroad may run, by the attorney general of the state or under his direction, or by the county attorney in any county in or through which such line of railroad may be operated. All fines and penalties recovered by this state under this act shall be paid into the treasury of the state of Minnesota. *Provided*, that nothing in this act contained shall apply to locomotives, tenders, cars or similar vehicles or trains when the height of the draw bars on such locomotives, tenders, cars, similar vehicles or trains does not exceed twenty-five inches in height or any of which are in actual use in interstate commerce.

Sec. 10. It shall be the duty of the railroad and warehouse commission to have this law enforced.

Sec. 11. The amendments to this act shall take effect and be enforced from and after July 1st, 1909.

Approved April 24, 1909.

CHAPTER 489—H. F. No. 849.

An Act to authorize cities in the State of Minnesota, now or hereafter having a population of more than fifty thousand inhabitants, to issue bonds for the purpose of aiding in the construction of main sewers.

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

Common council to issue \$200,000 bonds.—Section 1. Any city in this state now or hereafter having a population of more than fifty thousand inhabitants, in addition to all the powers now possessed by such city, is hereby authorized and empowered, acting by and through the common council or city 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 common council or city council, to issue and sell the bonds of such city to an amount not exceeding two hundred thousand dollars (\$200,000) par value, for the purpose of aiding in defraying the expense of constructing main sewers in such city.

Provided, no such bonds shall be issued or sold unless the ordinance or ordinances authorizing their issuance and sale shall have been duly passed and enacted by the common council prior to the 1st day of January, 1911.

How issued and sold.—Sec. 2. The bonds authorized by section one (1) of this act, or any portion thereof, may be issued and sold by any such city, notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing