

Sec. 3. Execution of bonds legalized and authorized, and length of term defined.—That the bonds and interest coupons thereto attached of any city coming within the provisions of section one of this act and which have been voted as stated in said section one, may be executed and issued by such city in such forms and manner, and payable, at such time or times and at such place, and such provision made for the payment thereof, and sold, as the city council by resolution or ordinance may have authorized and directed, or may hereafter authorize and direct; and all acts and proceedings of the city council, and of the officers of such city pursuant to the authority thereof, done or had or to be done or had as herein provided in and about the sale, award and issuance of said bonds are hereby legalized, approved and confirmed; and said bonds when so issued are hereby declared to constitute and be the legal, valid and binding obligations of said city.

Provided, however, that none of said bonds shall run for a period longer than thirty years from their date, nor shall be sold or issued at less than their par value and the interest accrued thereon to date of delivery.

Sec. 4. Chap. 3, G. L. 1913, repealed.—That the act entitled "An Act to legalize and confirm the acts and proceedings of any city of the state of Minnesota, however organized, in reference to the purchase of any electric light and water plant, already in existence in such city, and in reference to the issuance of bonds in payment therefor, and to authorize any such city to complete any proceedings heretofore instituted for the purchase of such plant and for the issuance and sale of such bonds, and to legalize such bonds when so issued," approved January 22, 1913, being Chapter Three of the General Laws of Minnesota for the year 1913, be and the same is hereby repealed.

Approved March 20, 1913.

CHAPTER 90—S. F. No. 11.

An Act relating to railroad rates in this state and to increase the powers and further define the duties of the board of railroad and warehouse commission in relation to the same and to define, prevent, and punish unjust discrimination in the rates charged for the transportation of freight on railroads in this state, and prohibiting any railway company doing business in this state from charging or receiving any greater compensation for the transportation of a like kind or class and quantity of property or freight of any description for a shorter than for a longer distance over the same line and empowering and directing the board of railroad and warehouse commission to make and promulgate

a schedule of reasonable maximum rate of charges for the transportation of freight and cars and vesting said board of railroad and warehouse commission with power of classification of freight and of rates and railroads and prescribing a mode of procedure and rules of evidence in relation thereto and providing penalties and punishments for violations of the provisions thereof.

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

Section 1. Unjust discrimination in railway freight rates prohibited.—If any railway corporation shall charge, collect or receive for the transportation of freight of any description upon its railroad for any distance within this State, a greater amount of freight, toll or compensation than is at the same time charged, collected or received for the transportation of like quantity of freight of the same class over a greater distance of the same railway; or if it shall charge, collect or receive at any point upon its road a higher rate of freight, toll or compensation for receiving, handling or delivering freight of the same class and quantity than it shall at the same time charge, collect or receive at any other point upon the same line of railway; or if it shall charge, collect or receive for the transportation of any freight of any description over its railway a greater amount as freight, toll or compensation than shall at the same time be charged, collected or received by it for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or if it shall charge, collect or receive from any person a higher or greater amount of freight, toll or compensation than it shall at the same time charge, collect or receive from any other person for receiving, handling or delivering freight, of the same class and like quantity at the same point upon its railway; or if it shall charge, collect or receive from any person for the transportation of any freight upon its railway a higher or greater rate of freight, toll or compensation than it shall at the same time charge, collect or receive from any other person or persons for the transportation of the like quantity of freight of the same class being transported from the same point over equal distance of the same railway; or if it shall charge, collect or receive from any person for the use and transportation of any railway car or cars upon its railroad for any distance, a greater amount of freight, toll or compensation than is at the same time charged, collected or received from any other person for the use and transportation of any railway car of the same class or number, for a like purpose, being transported over a greater distance of the same railway; or if it shall charge, collect or receive from any person for the use and transportation of any railway car or cars upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect or receive from any other person for the use and transportation of any railway car

or cars of the same class for a like purpose, being transported from the same original point, over an equal distance of the same railway, such railway corporation shall be deemed guilty of unjust discrimination which is hereby prohibited and declared to be unlawful, and all such are hereby declared to be discriminating, unjust and unreasonable rates, charges, collections and receipts, and all such discriminating rates, charges, collections or receipts, whether made directly or by means of any rebate, draw-back or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of this act, and it shall not be sufficient excuse or justification thereof on the part of said railway corporation that the station or point at which it shall charge, collect or receive less compensation in the aggregate for the transportation of such freight or for the use and transportation of such railway car the greater distance than for the shorter distance, is a station or point at which there exists competition with another railway or other transportation lines provided, however, where two or more railroads run into a city or village, one having a shorter mileage than the other from a given point the railroad and warehouse commission may permit the railroad or railroads having the longer mileage to meet the rate made by the shortest line at such city or village.

Sec. 2. Provisions of act not to exclude evidence, and to apply to all railways within the state.—The provisions of this act shall not be construed so as to exclude other evidence than as herein provided, tending to show any unjust discrimination in freight rates and the provisions thereof shall apply to any railway, the branches thereof, and any road or roads which any railway corporation has a right, license or permission to use, operate or control within this state.

Sec. 3. Rates per 100 pounds, per ton, per car, etc., in like class, to be the same in proportion.—No such railway company shall charge, collect, demand or receive more for transporting a car of freight than it at the same time charges, collects, demands or receives per car for several cars of a like class of freight over the same railway, for the same distance; nor charge, collect, demand or receive more for transporting a ton of freight than it charges, collects, demands or receives per ton for several tons of freight under a carload of a like class over the same railway for the same distance; nor charge, collect, demand or receive more for transporting a hundred pounds of freight than it charges, collects, demands or receives per hundred for several hundred pounds of freight, under a ton, of a like class, over the same railway, for the same distance; and all such discriminating rates, charges, collections or receipts, whether made directly or by means of any rebate, draw-back, or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of this act.

Sec. 4. Provisions to apply to transportation of property wholly within the state.—The provisions of this act shall apply to the transportation of property wholly within this state and shall apply to all railroad corporations and common carriers engaged in this state in the transportation of property by railroad therein and to the shipment of property made from any point within the state to any other point within the state over or upon any railroad therein. The term railroad and railway, as used in this chapter, shall include all bridges and ferries used or operated in connection with any railroad and also all the roads in use by any corporation, receiver, trustee, or other person operating a railroad whether owned or operated under contract, agreement, lease or otherwise; and the term transportation shall include all instrumentalities of shipment or carriages, and the term railway corporation shall mean all corporations, companies or individuals, owning or operating any railroad in whole or in part in this state; and the provisions of this chapter shall apply to all persons, firms and companies and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon any line of railway in this state, street railways excepted, the same as to railroad corporations herein mentioned. Provided, that nothing in this act shall apply to the carriage, storage or handling of property free or at reduced rates for the United States, for this state, for municipal governments therein, or for charitable purposes or to and from fairs and expositions held under the authority of county or state or municipality therein for exhibition thereat.

Sec. 5. Powers of railroad and warehouse commission not abridged.—Nothing in this act contained shall be construed as limiting or abridging the powers now vested by law in the board of railroad and warehouse commissioners of the state of Minnesota, except that the said board of railroad and warehouse commissioners shall not have power to promulgate any rule or establish any rate or rates in conflict with or in violation of the provisions of this act, and nothing in this act shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions thereof are in addition to such remedies.

Sec. 6. Commission empowered to make a schedule of reasonable maximum rates for each railroad.—The board of railroad and warehouse commission of this state is hereby empowered and directed to make for each of the railroad corporations doing business in this state, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of freight and cars on each of said railroads and said power to make schedules shall include the classification of such rates and it shall be the duty of said commission to make such classification and said schedules so made by said commission shall. in all suits

brought against any such railroad corporation wherein is in any way involved the charges of any such railroad corporation for the transportation of any freight or cars or unjust discrimination in relation thereto, be deemed and taken in all the courts of this state as prima facie evidence that the rates therein fixed are reasonable and just maximum rates of charges.

Sec. 7. Classification of railroads as to gross earnings.—The board of railroad and warehouse commission shall have and are hereby given and vested with power and it shall be their duty to classify all railroads in this state according to the gross amount of their several annual earnings, within this state, per mile for the preceding year as follows:

“Class A shall include those whose gross annual earnings per mile shall be four thousand dollars (\$4,000.00) or more.”

“Class B shall include those whose gross annual earnings per mile shall be three thousand dollars (\$3,000.00) or any sum in excess thereof less than four thousand dollars (\$4,000.00).”

“Class C shall include those whose gross annual earnings per mile shall be less than three thousand dollars (\$3,000.00) and shall have power to and may fix a higher maximum charge by the railroad corporations included in class C than those included in class B and a higher maximum charge by the railroad corporations included in class B than those included in class A.”

Sec. 8. Shipment of freight over two or more lines to be made under reasonable rates.—When shipments of freight to be transported between different points within the state are required by two or more railway companies operating connecting lines, such railway company shall transport the same at reasonable through rates not greater than the maximum rates allowed by law 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.

Sec. 9. Penalty for violation.—Any person or corporation guilty of violating any of the provisions of this act shall upon conviction thereof be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) for the first offense and for each subsequent offense not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00) and shall pay in addition to said fine so imposed the costs of prosecution.

Sec. 10. Prosecution to be made by county attorney in any county where violation occurred.—Any prosecution under this act may be instituted in any county of this state through or into which the line of any railway so offending against the provisions of this act may extend, and it shall be and hereby is made the duty of the county attorney of any such county to appear therein

and conduct such prosecution, and if so requested by said county attorney, the attorney general of the state of Minnesota shall assist in the prosecution thereof.

Sec. 11. This act shall take effect and be in force on and after January 1st, 1914.

Approved March 20, 1913.

CHAPTER 91—H. F. No. 559.

An Act to prescribe the bounds of senatorial and representative districts, and to apportion anew the senators and representatives among the several districts.

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

Section 1. **Senate to be composed of 67 and House of 130 members.**—That (for the next legislature and thereafter, until a new apportionment shall have been made) the senate of this state shall be composed of sixty-seven members and the house of representatives shall be composed of one hundred and thirty members.

Sec. 2. **Composition of various legislative districts, and the representation allotted to each.**—That the representatives in the senate and house of representatives be apportioned throughout the state in sixty-seven senatorial and representative districts, to-wit:

FIRST DISTRICT.

The first district shall be composed of the counties of Houston and Fillmore, and shall be entitled to elect one senator and three representatives.

The representative districts shall be divided as follows:

The county of Houston shall constitute one district and shall be entitled to elect one representative.

The county of Fillmore shall constitute one district and shall be entitled to elect one representative.

The counties of Houston and Fillmore shall constitute one district and shall be entitled to elect one representative.

SECOND DISTRICT.

The second district shall be composed of the county of Winona and shall be entitled to elect one senator and two representatives.

The representative districts shall be divided as follows:

The city of Winona shall constitute one district and shall be entitled to elect one representative.

The county of Winona (except the city of Winona) shall constitute one district and shall be entitled to elect one representative.