

CHAPTER 218

COMMON CARRIERS; TRANSPORTATION

<p>Sec. 218.01 Railroad and railway 218.02 Transportation 218.03 Railway corporation 218.04 Charges to be reasonable 218.05 Passenger rates 218.06 Passengers; maximum rates 218.07 Freight rates; right of carrier in first instance; uniform classification 218.08 Notice of change to be posted 218.09 Rates not to be changed without order or consent of commission 218.10 Public property excepted 218.11 Rates; application for change; notice; hearing 218.12 Emergency rate 218.13 Joint through rates; connecting lines to transfer 218.14 Classification of commodities 218.15 Maximum rates 218.16 Weight of carload; when distance not given 218.17 Excess rates prohibited 218.18 Rates; duties of railroad companies 218.19 Rates; failure to adopt; duty of attorney general; duty of carrier; reports 218.20 Excess rates; carrier to pay to commission 218.21 Excess rates; failure to pay; duty of commission and attorney general; claims; unclaimed amounts 218.22 Carrier to keep accounts; failure; penalty 218.23 Certain provisions repealed 218.24 Refundment of excess freight, baggage, and express charges 218.25 Claims, when adjusted and paid; how presented 218.26 In what amount liable 218.27 Penalty for failure; fraudulent claims 218.28 Remedy cumulative 218.29 National Guard, Naval Militia, or Reserve; charges for transporting 218.30 Refusal to transport; penalties 218.31 Free passes, transportation on reduced rates prohibited; exceptions 218.32 Free transportation; commission; secretary; experts; agents 218.33 Free transportation of highway material 218.34 Pooling forbidden 218.35 Public schedule of rates 218.36 Change in schedule</p>	<p>Sec. 218.37 Schedules to be filed 218.38 Unlawful charges 218.39 Switching charges 218.40 Long and short haul 218.41 Commission to adjust railroad rates to protect Minnesota industries 218.42 Other evidence not excluded; application to all railroads 218.43 Rates per 100 pounds, per ton, per car, in like class to be the same in proportion 218.44 Application of sections 218.41 to 218.47 218.45 Powers of commission not abridged 218.46 Commission to fix rates; switching; drayage; feeding of stock 218.47 Reasonable rates; shipment over two or more lines 218.48 Joint rates 218.49 Transfer facilities 218.50 Transfer; adjustment of costs 218.51 Transfer of carload shipments 218.52 Smaller shipments 218.53 Division of cars among applicants 218.54 Carriers to apportion cars; violation 218.55 Duty to furnish cars; application; reasonable time; penalty 218.56 Loaded cars, when removed; penalty 218.57 Duty of connecting railroad; cars transferred; penalty 218.58 Starting car; average speed; penalty 218.59 Delivery to consignee; penalty 218.60 Time for loading; penalty 218.61 Time for unloading; penalty 218.62 Bill of lading; evidence; penalty 218.63 Notice of arrival 218.64 Damages not offset by demurrage; live stock 218.65 Strikes, accidents 218.66 Minimum weight of carload lots of live stock 218.67 Transportation rates for live stock in certain cars 218.68 Transportation of shippers 218.69 Live stock at terminal; time for delivery at stockyards and unloading 218.70 Damage to live stock; notice of claim 218.71 Violations; penalties 218.72 Section 218.69 applies only to intrastate shipments 218.73 Forfeitures; violations; penalties</p>
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**218.01 RAILROAD AND RAILWAY.** The terms "railroad" and "railway," as used in this chapter, 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.

[1913 c. 90 s. 4] (4841)

**218.02 TRANSPORTATION.** The term "transportation," as used in this chapter, includes all instrumentalities of shipment or carriages.

[1913 c. 90 s. 4] (4841)

**218.03 RAILWAY CORPORATION.** The term "railway corporation," as used in this chapter, means all corporations, companies, or individuals owning or operating any railroad in whole or in part in this state.

[1913 c. 90 s. 4] (4841)

**218.04 CHARGES TO BE REASONABLE.** All charges made by any such carrier for the transportation of passengers or property, whether over one or more railroads, or in connection therewith, or for the receiving, delivering, storage, or handling of such property shall be equal and reasonable; and every unequal or unreasonable charge for such service is prohibited. One carload of freight of any kind or class shall be transported at as low a rate per ton, and per ton-mile as any greater number of carloads of the same kind and class from and to the same points of origination or destination.

[R. L. s. 2007] (4766)

**218.05 PASSENGER RATES.** No railroad company owning, operating, or using a line of railroad within, or partly within the state shall charge, collect, or receive as compensation for transporting any passenger and his ordinary baggage, not exceeding in weight 150 pounds, any sum or amount in excess of the following prices: For all distances for all companies the gross earnings of whose passenger trains, as reported to the commission in the then last report thereon, equaled or exceeded the sum of \$1,200 per mile for each mile of road operated by the company, on which regular passenger service is maintained, as hereinafter provided, two cents per mile; and for all companies whose earnings reported, as aforesaid, were less than \$1,200 per mile of road operated by the company, three cents per mile; provided that whenever the earnings of any company doing business in this state, as reported to the commission at the close of any year, shall increase so as to equal or exceed the sum of \$1,200 per mile of road operated by the company, then in such case the company shall thereafter, upon notification by the commission, be required to receive as compensation for the transportation of any passenger, and his ordinary baggage, not exceeding in weight 150 pounds, only a rate of two cents per mile as hereinbefore provided. In computing the passenger earnings per mile of any company the earnings and the mileage of all branch roads owned, leased, controlled, or occupied by such company, exclusive of all spurs and branches over which such company does not operate each way daily, except Sunday, at least one passenger train, or mixed train having at least two passenger coaches or one passenger coach and baggage car, shall be included in the computation, and the rate of fare shall be the same on all lines owned, leased, controlled, or occupied by such company. No company shall charge, demand, or receive any greater compensation per mile for transportation of children of the age of 12 years or under than one-half of the rate herein prescribed. Any railroad company may charge a minimum fare of five cents for each passenger transported over its road when cars are propelled or moved by motive power other than steam. The provisions of this section shall apply to all railroad companies operating lines of railroad in this state.

[1913 c. 536 s. 1; 1917 c. 23 s. 1] (4767)

**218.06 PASSENGERS; MAXIMUM RATES.** No railroad company owning, operating, or using a line of railroad within or partly within the state, regardless of the motive power used, shall charge or collect more than two cents per mile for carrying over its road on any trip wholly within this state, any passenger of 12 years of age or over, together with baggage not exceeding 150 pounds in weight; or more than one cent per mile for any such passenger under 12 years of age, together with baggage not exceeding 75 pounds in weight; provided, that no railroad company shall be required to carry a passenger any distance for less than five cents.

[1907 c. 97 s. 1; 1911 c. 331 s. 1] (4769)

**218.07 FREIGHT RATES; RIGHT OF CARRIER IN FIRST INSTANCE; UNIFORM CLASSIFICATION.** All common carriers subject to the laws of this state shall have the right in the first instance to prescribe and publish, as required by law, all classifications and tariffs, rates, and charges, together with rules governing the same, including minimum weights for the transportation of any freight articles between points or stations in the state. Sections 218.07 to 218.12 shall include all terminal and switching charges. There shall be but one classification, which shall be uniform on all the railroads in this state and govern in all state commerce.

[1905 c. 176 s. 1] (4771)

**218.08 NOTICE OF CHANGE TO BE POSTED.** In addition to the present requirements for publishing tariffs, rates, charges, and classifications, all common carriers in this state shall, when any new tariff or classification, or any amendment to any tariff or classification, is published, either by itself or the commission, post in a conspicuous place in every depot where the public would be affected, a notice printed in large legible type, stating that changes have been made, indicating upon what articles or commodities, and where the new tariff, classification, or amendment may be seen.

[1905 c. 176 s. 2] (4772)

**218.09 RATES NOT TO BE CHANGED WITHOUT ORDER OR CONSENT OF COMMISSION.** The schedule of rates and charges for the transportation of freight and cars, together with the classification of such freights, minimum weights and rules now in effect, and all rates, charges, and classifications published by any

common carrier shall be deemed just and reasonable and not changed except upon the order or by the written consent of the commission. The terms of sections 218.07 to 218.12 shall also apply to all schedules of rates and charges published by two or more common carriers jointly.

[1905 c. 176 s. 3] (4773)

**218.10 PUBLIC PROPERTY EXCEPTED.** Nothing in sections 218.07 to 218.12 shall apply to the carriage, storage, or handling by any common carrier of property free or at reduced rates for the United States or the State of Minnesota, or for any municipal government or corporation within the state, or for any church, religious society, or charitable purpose, or to or from fairs or expositions, or for stock breeding purposes, or for carrying seed grain.

[1905 c. 176 s. 4] (4774)

**218.11 RATES; APPLICATION FOR CHANGE; NOTICE; HEARING.** Any common carrier desiring to change or discontinue any published rate, charge, or classification, minimum weight or rule governing the same to which it is a party, shall make application to the commission in writing, stating the changes in rules, rates, charges, or classifications desired, giving the reasons for such change. Upon receiving such application, the commission shall fix a time and place for hearing, and give such notice to interested parties as it shall deem proper and reasonable, and after hearing all the evidence offered, if the commission find that it is reasonable, fair, and just to both shippers and carriers that the change should be allowed as asked for, it shall grant the application; otherwise, it shall deny the same, or may grant the same in a modified form. Passenger rates are not affected by sections 218.07 to 218.12.

[1905 c. 176 s. 5] (4775)

**218.12 EMERGENCY RATE.** Upon the application of any carrier to the commission stating that it desires to put in an emergency rate for the protection of the interests of such carrier or shippers, the commission may, before such rate is established and without the notice and hearing required by section 218.11, authorize the restoration of the rates existing at the time of such application and fix the time within which such restoration may be made and the time so fixed may be extended in the discretion of the commission as the circumstances of the case may require. Nothing in sections 218.07 to 218.12 shall be held in any way to limit or modify the rights and powers of the commission to investigate, inquire into, prescribe, and publish what it may deem to be just and reasonable rates, charges, and classifications to govern common carriers in this state.

[1905 c. 176 s. 6] (4776)

**218.13 JOINT THROUGH RATES; CONNECTING LINES TO TRANSFER.** Every owner or consignor of freight to be transported by railway from any point within this state to any other point within this state shall have the right to require that the same shall be transported over two or more connecting lines of railway, to be transferred at the connecting point or points without change of car or cars if in carload lots, and with or without change of car or cars if in less than carload lots, whenever the distance from the place of shipment to destination, both being within this state, is less over two or more connecting lines of railway than it is over a single line of railway, or where the initial line does not reach the place of destination; and it shall be the duty, upon the request of any such owner or consignor of freight, made to the initial company, of such railway companies whose lines so connect, to transport the freight without change of car or cars if the shipment be in carload lot or lots, and with change of car or cars if it be in less than carload lots, from the place of shipment to destination, whenever the distance from the place of shipment to destination, both being within this state, is less than the distance over a single line, or when the initial line does not reach the point of destination, for a reasonable joint through rate. This section shall not apply to interurban railways operated by electricity, except as to freight or cars transported over two or more such interurban railways having similar equipment so as to make it physically practicable to comply with the provisions of this section.

[1913 c. 344 s. 1] (4699)

**218.14 CLASSIFICATION OF COMMODITIES.** For the purposes of sections 218.14 to 218.18 the commodities hereinunder named are classified as follows: Wheat, flaxseed, broom corn seed, hemp seed, millet seed, popcorn, castor beans, Hungarian seed, buckwheat, buckwheat flour, potato flour, wheat flour, prepared flour and all uncooked grain or cereal products manufactured from wheat, shall consti-

# MINNESOTA STATUTES 1941

1689

## COMMON CARRIERS; TRANSPORTATION 218.15

tute class 11; corn, oats, rye, barley, alfalfa feed, alfalfa meal, bran, brewers' grits, brewers' meal, brewers' refuse (dry), chopped feed other than wheat chops, corn flour, corn meal, cottonseed cake, cottonseed hulls, cottonseed meal, gluten feed, gluten meal, grain screenings, hominy feed, kaffir corn, linseed cake, linseed meal, middlings, shorts, sorghum seed, speltz, wild mustard seed, oat groats, rolled oats, oat dust, oat hulls, oat meal, rolled rye, rye flour, malt, pearl barley and all uncooked grain or cereal products manufactured from corn, oats or rye, shall constitute class 12; lumber, lath, shingles, sash doors and blinds, shall constitute class 13; sheep (when carried in double-decked cars) and cattle, shall constitute class 14; sheep (when carried in single-decked cars) and hogs, shall constitute class 15; hard coal shall constitute class 16; soft coal shall constitute class 17.

[1907 c. 232 s. 1] (4779)

**218.15 MAXIMUM RATES.** The following are hereby established and declared to be the reasonable maximum rates to be charged by railroad companies as common carriers of property in the state for the transportation in carload lots, of the commodities belonging to the classes named in section 218.14, between stations in the state, for the distances named in the following schedule:

Distance in Miles	Rate for Commodities in Classification						
	No. 11 in Cents Per 100 Pounds	No. 12 in Cents Per 100 Pounds	No. 13 in Cents Per 100 Pounds	No. 14 in Cents Per 100 Pounds	No. 15 in Cents Per 100 Pounds	No. 16 in Dollars and Cents Per Ton	No. 17 in Dollars and Cents Per Ton
5	2.7	2.7	2.7	4.4	4.9	.54	.44
10	3.3	2.8	3.3	5.	5.5	.62	.49
15	3.8	3.4	3.8	5.5	6.3	.63	.51
20	4.4	3.8	4.4	6.3	6.8	.65	.52
25	4.6	4.	5.4	6.7	7.6	.69	.54
30	4.8	4.2	5.6	7.4	8.3	.70	.57
35	5.	4.5	5.8	7.9	9.	.72	.58
40	5.2	4.6	6.	8.6	9.7	.74	.59
45	5.4	4.8	6.3	9.2	10.3	.75	.61
50	5.7	5.	6.5	9.8	11.	.77	.62
55	5.9	5.1	6.8	10.	11.3	.81	.64
60	6.1	5.3	7.	10.2	11.5	.83	.65
65	6.3	5.5	7.4	10.5	11.8	.85	.69
70	6.5	5.8	7.5	10.7	12.	.87	.70
75	6.7	6.	7.7	10.9	12.3	.89	.72
80	7.	6.2	8.1	11.1	12.5	.93	.74
85	7.2	6.3	8.3	11.3	12.7	.95	.75
90	7.4	6.5	8.5	11.5	13.	.97	.77
95	7.6	6.7	8.7	11.8	13.3	.99	.80
100	7.8	7.	9.	12.	13.5	1.01	.82
105	7.9	7.	9.2	12.2	13.7	1.04	.83
110	8.1	7.	9.3	12.4	13.9	1.06	.84
115	8.2	7.2	9.4	12.6	14.3	1.07	.85
120	8.2	7.2	9.4	12.8	14.5	1.08	.86
125	8.3	7.3	9.5	13.	14.7	1.10	.87
130	8.4	7.4	9.6	13.3	14.9	1.11	.88
135	8.5	7.4	9.8	13.5	15.3	1.12	.92
140	8.5	7.5	9.8	13.7	15.5	1.16	.93
145	8.6	7.6	9.9	13.9	15.7	1.17	.94
150	8.7	7.6	10.	14.2	15.9	1.19	.95
155	8.8	7.7	10.1	14.4	16.2	1.20	.96
160	8.8	7.8	10.1	14.6	16.4	1.22	.98
165	9.	7.9	10.4	14.8	16.7	1.24	1.00
170	9.	7.9	10.4	15.	16.9	1.29	1.01
175	9.1	8.1	10.6	15.3	17.2	1.31	1.05
180	9.1	8.1	10.6	15.5	17.4	1.33	1.07
185	9.3	8.2	10.7	15.7	17.6	1.35	1.09
190	9.4	8.3	10.8	15.9	17.9	1.37	1.10
195	9.5	8.3	10.9	16.1	18.2	1.42	1.12
200	9.6	8.4	11.	16.3	18.4	1.44	1.16
210	9.7	8.5	11.1	16.6	18.6	1.48	1.19
220	9.8	8.6	11.2	16.8	18.8	1.54	1.22

Distance in Miles	Rate for Commodities in Classification						
	No. 11 in Cents Per 100 Pounds	No. 12 in Cents Per 100 Pounds	No. 13 in Cents Per 100 Pounds	No. 14 in Cents Per 100 Pounds	No. 15 in Cents Per 100 Pounds	No. 16 in Dollars and Cents Per Ton	No. 17 in Dollars and Cents Per Ton
230	9.9	8.7	11.4	17.	19.1	1.58	1.28
240	10.	8.8	11.6	17.2	19.4	1.63	1.31
250	10.2	8.9	11.8	17.4	19.6	1.68	1.34
260	10.3	9.1	11.9	17.6	19.8	1.72	1.37
270	10.5	9.3	12.	17.9	20.2	1.78	1.42
280	10.6	9.4	12.2	18.1	20.4	1.82	1.46
290	10.8	9.5	12.4	18.3	20.6	1.87	1.49
300	10.9	9.6	12.5	18.5	20.8	1.92	1.54
310	11.	9.7	12.6	18.7	21.1	1.94	1.56
320	11.1	9.8	12.8	19.	21.4	1.96	1.57
330	11.2	9.9	12.9	19.2	21.6	1.99	1.59
340	11.3	9.9	13.1	19.4	21.8	2.02	1.60
350	11.4	10.	13.2	19.6	22.1	2.04	1.63
360	11.5	10.1	13.3	19.8	22.3	2.06	1.66
370	11.7	10.2	13.4	20.	22.6	2.08	1.67
380	11.8	10.3	13.5	20.3	22.8	2.11	1.69
390	11.9	10.5	13.6	20.5	23.1	2.13	1.70
400	12.	10.6	13.7	20.7	23.3	2.16	1.72

[1907 c. 232 s. 2] (4780)

**218.16 WEIGHT OF CARLOAD; WHEN DISTANCE NOT GIVEN.** When the exact distance which a commodity is transported is not given in the foregoing schedule, the carrier may charge the rate specified in the schedule for the next greater distance. In order to constitute a carload, within the meaning of sections 218.14 to 218.18, the weight of the commodities in any one car shall be at least as follows: Class 11 and class 12, 24,000 pounds; class 13, 20,000 pounds; class 14, 19,000 pounds; class 15, 15,000 pounds; classes 16 and 17, 30,000 pounds.

[1907 c. 232 s. 3] (4781)

**218.17 EXCESS RATES PROHIBITED.** No railroad company, which is a common carrier of property within the state, shall charge, take, or receive any greater sum for carrying within this state between stations therein any of the commodities named in section 218.14 than the respective amounts set forth and provided in section 218.15 for the respective distances therein named.

[1907 c. 232 s. 4] (4782)

**218.18 RATES; DUTIES OF RAILROAD COMPANIES.** Subdivision 1. **Adoption and publication.** Every railroad company transacting the business of a common carrier within this state shall adopt and publish and put into effect rates not exceeding the charges specified herein for the transportation by it between stations upon its line of road in this state of the commodities named in section 218.14; and every officer, director, traffic manager, agent, or employee of such railroad company exercising any authority or being charged with any duty in establishing freight rates for such railroad company shall cause the adoption, publication, and use by such railroad company of rates not exceeding those specified in sections 218.14 to 218.18.

Subdivision 2. **Continuation.** This section is intended to operate as a continuation of sections 218.14 to 218.17 and not as a repeal thereof.

[1909 c. 136 ss. 6, 8] (4786) (4787)

**218.19 RATES; FAILURE TO ADOPT; DUTY OF ATTORNEY GENERAL; DUTY OF CARRIER; REPORTS.** When 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 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 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 10th day of each month report such information in full, covering the business of the preceding month, to the commission, and it shall carefully preserve such information in its office.

[1909 c. 195 s. 1] (4788)

**218.20 EXCESS RATES; CARRIER TO PAY TO COMMISSION.** Within 60 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 the rates are found to be unlawful, every such common carrier shall pay to the 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 the commission to pay such money, with interest, to the person, firm, or corporation by or for whom the same was paid to such common carrier, and the person holding the original receipted freight bill showing the payment thereof to such common carrier shall be taken to be the person entitled to so receive such money.

[1909 c. 195 s. 2] (4789)

**218.21 EXCESS RATES; FAILURE TO PAY; DUTY OF COMMISSION AND ATTORNEY GENERAL; CLAIMS; UNCLAIMED AMOUNTS.** If any common carrier affected by such rates shall fail or refuse to pay to the commission, within the time aforesaid, all money so collected by it in excess of the amount lawfully collectible under the rates so prescribed, or to file with the commission, within the time, the written release of his claim signed by the person entitled to such restitution, it shall be the duty of the 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. The commission shall have the exclusive right to sue for and collect such money of the 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 the rates is ended. All amounts paid to or recovered by the commission, not so claimed, shall be paid into the state treasury to the credit of the general revenue fund.

[1909 c. 195 s. 3] (4790)

**218.22 CARRIER TO KEEP ACCOUNTS; FAILURE; PENALTY.** 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 the commission, shall be guilty of a misdemeanor.

[1909 c. 195 s. 4] (4791)

**218.23 CERTAIN PROVISIONS REPEALED.** 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 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 carrier to put any such rates into effect, are hereby repealed. 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.

[1909 c. 195 s. 5] (4792)

**218.24 REFUNDMENT OF EXCESS FREIGHT, BAGGAGE, AND EXPRESS CHARGES.** All charges for freight, baggage, or express that are collected by a common carrier over what it is entitled to receive under the lawful tariff or classification, shall be refunded by said carrier within 60 days after the payment of the same; provided, that when such overcharge is due to a difference in weight a claim may be filed as provided in section 218.25.

[1911 c. 306 s. 1] (4794)

**218.25 CLAIMS, WHEN ADJUSTED AND PAID; HOW PRESENTED.** Every claim against a common carrier doing business in this state, for an overcharge due to difference in weight, or for loss, damage, or injury to property while in its possession, shall be adjusted and paid within 60 days in case of shipment wholly within the state, and within 90 days in case of shipment from without this state, or from a point in this state to a point in another state, after the filing of such claim with the agent of the carrier at the point of origin, or of the destination of such shipment, or with the claims department of such carrier. No such claim shall be filed until after the arrival of a shipment, or of some part thereof at the point of destination, or until after the lapse of a reasonable time for the arrival thereof. For the purpose of sections 218.24 to 218.28, a claim, when filed shall consist of (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, and (d) original invoice or certified copy when necessary. True copies of any of these documents may be used, and in case of absence, an explanation must be attached. The carrier shall acknowledge the filing of a claim, or any letters, papers or documents purporting to be such, within ten days after receipt, and if the claim so filed does not comply with the above requirements, the carrier shall so inform the claimant and advise him of what may be required to complete the claim.

[1911 c. 306 s. 2] (4795)

**218.26 IN WHAT AMOUNT LIABLE.** In every case such carrier shall be liable for the amount of such overcharge and for such loss, damage, or injury to property, together with interest thereon from the date of the filing of the claim therefor until the payment thereof.

[1911 c. 306 s. 3] (4796)

**218.27 PENALTY FOR FAILURE; FRAUDULENT CLAIMS.** Failure to adjust and tender or pay such overcharge or claim within the periods herein prescribed shall subject such common carrier so failing to a penalty of \$25.00 for each and every such failure to be recovered by the claimant in the action or proceeding brought to collect such claim or overcharge in any court in the state. Unless such claimant recovers in such action the full amount claimed by him, no penalty shall be recovered, but only the actual amount of the loss, injury, or damage to property or amount of the overcharge, with interest. If, in such action, a special issue of fraud is raised and such claim is found to be fraudulent, the claimant shall pay to the carrier the penalty of \$25.00, to be recovered along with the costs. In an action brought under the provisions of sections 218.24 to 218.28, if the carrier can show that it made a tender of the amount claimed, with interest, and a penalty of \$5.00, within five days after a demand that is made at any time after the expiration of the time specified in sections 218.24 and 218.25, then it shall only be subject to the penalty of \$5.00, to be recovered along with the costs.

[1911 c. 306 s. 4] (4797)

**218.28 REMEDY CUMULATIVE.** The remedy provided in sections 218.24 to 218.27 is cumulative and shall not deprive the claimant of any other right of action provided by statute or by the common law.

[1911 c. 306 s. 5] (4798)

**218.29 NATIONAL GUARD, NAVAL MILITIA, OR RESERVE; CHARGES FOR TRANSPORTING.** When it shall be necessary for any or all of the officers or men of the Minnesota National Guard or the Minnesota Naval Militia or Reserve to travel upon any railroad in the state under orders from competent authority to perform military duty, such railroads shall furnish transportation at the rate of one cent per mile for the whole distance to be traveled upon such railroad or railroads within the limits of this state, for each officer or enlisted man so carried including the usual amount of baggage; and all station or ticket agents or conductors shall sell first class tickets or furnish first class passage at the rate named, upon being notified that such officer or officers or enlisted men are traveling upon military duty. Such notification must be issued by the adjutant general, and may be by telegraph or by filing a copy of the order issued by the adjutant general for such transportation with the station or ticket agent or conductor. This rate shall apply to officers or men traveling under orders, either single or in companies, so that when one or more members of the guard shall present an order for transportation issued by the adjutant general it shall be honored by the ticket agent or by the conductor and received in lieu of fare, and when presented by the railroad companies to the adjutant general, shall be audited to be paid at once at the fixed rate.

[1909 c. 493 s. 1] (4799)

**218.30 REFUSAL TO TRANSPORT; PENALTIES.** Any railroad agent or officer thereof, or any person whose duty it is to transport or carry passengers or baggage thereon, who shall wilfully refuse to transport or furnish the means for transporting any of the troops of this state and their baggage, when ordered out by the governor, on the terms prescribed by section 218.29, shall be guilty of a misdemeanor; and, on conviction thereof before any court of competent jurisdiction, fined in the sum of not less than \$50.00, nor more than \$500.00, for each offense. Any railroad company who shall refuse to transport the troops and baggage, as aforesaid, or refuse to permit its agents or employees to transport the same or furnish means of transporting them, shall be liable to the State of Minnesota in a penal sum of \$500.00 for each violation of the law, to be recovered in a civil action in the name of the State of Minnesota, and to be prosecuted by the attorney general or county attorney of the proper county. Should any county attorney, upon proper complaint made and verified, neglect, decline, or refuse to prosecute any person or persons violating the provisions of section 218.29, any court, judge, or justice of the peace having jurisdiction of the offense may appoint an attorney at law to conduct the prosecution, who shall receive a fee of not less than \$10.00, nor more than \$50.00, in each case where conviction shall be had, the fee to be fixed by the court and taxed as costs in the action; but in no event shall the county be liable for the fee.

[1909 c. 493 s. 2] (4800)

**218.31 FREE PASSES, TRANSPORTATION ON REDUCED RATES PROHIBITED; EXCEPTIONS.** It shall be unlawful for any person, association, copartnership, or corporation or any representative thereof to offer, give, or in any manner furnish to any person, either for himself or another, any free pass or frank, or any special privilege or reduction in rate withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication except to persons included within the classes hereinafter designated and limited, and it shall be unlawful for any person not included within the classes hereinafter excepted or limited to solicit or receive, either for himself or another, for any person, association, copartnership, or corporation, or use in any manner or for any purpose any free pass or frank or special privilege withheld from any person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication. Nothing contained in sections 218.31 and 218.32 shall be construed to prohibit or to make unlawful the issuing or giving of any such free ticket, free pass, or free transportation to any person within the classes hereinafter excepted or limited or the acceptance or use of the same by persons within such classes, that is to say, officers, bona fide agents, surgeons, physicians, attorneys, and employees of such railroad or motor-bus or other companies, or persons affected by sections 218.31 and 218.32 and dependent members of their families, the duly elected representatives of railroad labor or motor-bus labor organizations, children under 12 years of age, ministers of religion, secretaries of Young Men's Associations, persons exclusively engaged in charitable and eleemosynary work, indigent, destitute, and homeless persons, and such persons when transported by charitable societies or hospitals or by public charity, and necessary agents employed in such transportation, inmates of national homes or state homes for disabled volunteer soldiers, inmates of soldiers' and sailors' homes, including those entering and returning from such homes and boards of managers of such homes, post-office inspectors, custom inspectors, and immigration inspectors; witnesses of the railroad companies or motor-bus companies attending any legal investigation in which the company is interested, officials and linemen of telegraph and telephone companies; ex-employees retired from service on account of age or because of disability sustained while in the service of the railroad company or motor-bus company and dependent members of their families or the widows or dependent children of employees killed or dying while in the service of such company; necessary caretakers of live stock, poultry, vegetables, and fruit, including transportation to and from the point of delivery; employees on sleeping and express cars; railway or motor-bus mail service employees; newsboys on trains or motor-busses; baggage agents, and persons injured in wrecks and physicians and nurses attending them; providing that one trip pass for a discharged employee and his family may be issued for use within 30 days of such discharge.

The provisions of sections 218.31 and 218.32 shall not be construed to prohibit and make unlawful the interchange of passes, express and other franks for the officers, bona fide agents, surgeons, physicians, attorneys, and employees and the

dependent members of their families of any person or company affected by sections 218.31 and 218.32 from doing any of the things prohibited hereby free, with the object of providing relief in cases of general epidemic, pestilence, or calamitous visitation.

The provisions of sections 218.31 and 218.32 shall not be construed to prohibit or make unlawful the interchange of passenger transportation and message service between such railroad companies, motor-bus companies, and telegraph companies; and, the provisions of sections 218.31 and 218.32 shall not be construed to prohibit or make unlawful the interchange between railroad, motor-bus, express, telegraph, and telephone companies of the transportation of persons and property, and the transmission of messages.

No free transportation shall be issued or given to any person when such person is a member of, employed by, or in any way connected with any political committee, or a candidate for, or incumbent of any office or position under the constitution and laws of this state, except as herein provided, and except that any railroad or motor-bus company may issue free passes to its employees, while occupying office or position, other than judicial, under a municipality, county, or public school district, or while acting under appointment as a notary public in this state, and except that any railway or motor-bus company may issue free passes to any member of the legislature who is and has been an employee of such company for a continuous period of five years prior to his election to such office; provided, that such free transportation shall not be used by such member of the legislature during the period of any legislative session nor for any travel for which mileage is collected from the state.

[1907 c. 449 s. 1; 1913 c. 92 s. 1; 1917 c. 53; 1923 c. 121 s. 1; 1927 c. 86 s. 1; 1929 c. 162 s. 1; 1935 c. 79] (4807)

**218.32 FREE TRANSPORTATION; COMMISSION; SECRETARY; EXPERTS; AGENTS.** The commission and its secretary shall have the right to free transportation in the performance of their duties on all railroads and railroad trains, and on all motor-busses and bus lines and all other transportation lines of any nature or kind now or hereafter placed under the control or jurisdiction of the commission, during the full period of such control or jurisdiction, in this state, and the experts or other agents whose service it may require shall likewise be transported free of charge.

[1907 c. 449 s. 2; 1925 c. 283] (4808)

**218.33 FREE TRANSPORTATION OF HIGHWAY MATERIAL.** It shall be lawful for any railroad or transportation company operating in this state to transport, handle or store free, or at reduced rates, for the United States, the state, or for any municipal corporation thereof, any stone, stone dust, gravel, sand, or any other material to be used in building, improving, or repairing public highways by any of the entities or corporations herein mentioned.

[1911 c. 192 s. 1] (4810)

**218.34 POOLING FORBIDDEN.** No carrier shall enter into any agreement or combination with any other carrier for the division or pooling of the business of different and competing carriers, or to divide the aggregate or net proceeds of the earnings of such carriers, or any part thereof, and any such agreement or combination shall be deemed a separate offense for each day of its continuance.

[R. L. s. 2011] (4831)

**218.35 PUBLIC SCHEDULE OF RATES.** Every railroad company shall keep at every station or depot of its road, convenient for and open to public inspection, schedules printed in large type, showing all classifications, rates, fares, and charges for transportation of freight and passengers in force at the time upon its road. Such schedule shall plainly state the places between which persons and property will be carried, shall show the classification of freight, a distance tariff, a table of distances between stations, and state, separately, the terminal charges, and any rules or regulations in any way affecting the aggregate of such rates, fares, and charges. Every such company shall keep posted in a conspicuous place, at every such station, accessible to shippers, notice that such schedules are so kept thereat:

[R. L. s. 2012; 1907 c. 377 s. 1] (4832)

**218.36 CHANGE IN SCHEDULE.** No change in the classification shall be made, and no change shall be made in the rates, fares, and charges, which have been established and published as aforesaid by any common carrier in compliance with section 218.37 except after ten days' public notice, which shall plainly state the

changes proposed to be made in the schedules then in force and the time when the changed schedules will go into effect; and the proposed changes shall be shown by printing new schedules or plainly indicated upon the schedules in force at the time and kept for public inspection. No change shall be made in any schedule of rates or schedule of joint rates which has been in effect for 60 days, so as to raise the rates for transportation of grain, lumber, coal, or live stock, either by change of rates or of classification, except upon the written order of the commission allowing such change made upon hearing and such notice to shippers as the commission shall direct. Any company violating any provision of this section shall forfeit to the state \$100.00 for each day such violation shall continue.

[R. L. s. 2013] (4833)

**218.37 SCHEDULES TO BE FILED.** Every railroad company shall file with the commission copies of such schedules and promptly notify the commission of all proposed changes therein. Every such company shall file with the commission copies of all its traffic agreements or arrangements with other carriers. Copies of all joint schedules of rates, fares, or classifications shall be filed with the commission and made public in the manner provided for the publication of tariffs.

[R. L. s. 2014] (4834)

**218.38 UNLAWFUL CHARGES.** No railroad carrier shall charge, demand, collect, or receive for any service a greater or less sum than that fixed in its published schedules.

[R. L. s. 2015] (4835)

**218.39 SWITCHING CHARGES.** There shall be but one terminal charge for switching or transferring any car within any one municipality. If it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching thereof for its just share of such charge, subject to the rules adopted by the commission. Any disagreement as to such division shall be finally determined by the commission.

[R. L. s. 2016] (4836)

**218.40 LONG AND SHORT HAUL.** No carrier shall charge or receive any greater compensation for the transportation of passengers, or of like kind or class and quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer distance; but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; but upon application to the commission such carrier, in special cases, after investigation by the commission may be authorized to charge less for longer than for shorter distances, for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated carriers may be relieved from the operation of this section. No carrier shall charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance.

[R. L. s. 2017] (4837)

**218.41 COMMISSION TO ADJUST RAILROAD RATES TO PROTECT MINNESOTA INDUSTRIES.** If any railroad 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 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 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 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 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 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, drawback, or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of sections 218.41 to 218.47, and it shall not be sufficient excuse of justification thereof on the part of the 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, where two or more railroads run into a city, or village, one having a shorter mileage than the other from a given point the 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; and, provided, where an industry now is, or may hereafter be, located within the state, and within a radius of five miles from a similar industry without the state, the commission may permit the railroad serving the industry within the state to meet the rate established and charged by the railroad serving the industry located as aforesaid without the state.

[1913 c. 90 s. 1; 1919 c. 235 s. 1] (4838)

**218.42 OTHER EVIDENCE NOT EXCLUDED; APPLICATION TO ALL RAILWAYS.** The provisions of sections 218.41 to 218.47 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 which any railway corporation has a right, license, or permission to use, operate, or control within this state.

[1913 c. 90 s. 2] (4839)

**218.43 RATES PER 100 POUNDS, PER TON, PER CAR, IN LIKE CLASS TO BE THE SAME IN PROPORTION.** No 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, drawback, or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of sections 218.41 to 218.47.

[1913 c. 90 s. 3] (4840)

**218.44 APPLICATION OF SECTIONS 218.41 TO 218.47.** The provisions of sections 218.41 to 218.47 shall apply to the transportation of property wholly within this state and shall apply to all railroad corporations and common carriers engaged in

# MINNESOTA STATUTES 1941

1697

## COMMON CARRIERS; TRANSPORTATION 218.48

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 provisions of sections 218.41 to 218.47 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 sections 218.41 to 218.47 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.

[1913 c. 90 s. 4] (4841)

**218.45 POWERS OF COMMISSION NOT ABRIDGED.** Nothing in sections 218.41 to 218.47 contained shall be construed as limiting or abridging the powers now vested by law in the commission and nothing in sections 218.41 to 218.47 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. The commission on petition of a railroad may in its discretion for good cause shown authorize a rate or rates for railway transportation inconsistent with the requirements of sections 218.41 to 218.47.

[1913 c. 90 s. 5] (4842)

**218.46 COMMISSION TO FIX RATES; SWITCHING; DRAYAGE; FEEDING OF STOCK.** The commission 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 the railroads and the power to make schedule shall include the classification of such rates, and it shall be the duty of the commission to make such classification, and the schedule so made by the 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 or charges. The commission may fix different schedules of class or commodity rates for railroads of the same class. The maximum rates shall not apply to switching or drayage rates. The commission may define switching and drayage service to apply to the movement of traffic within and between points, and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation, and in the making of said rates the commission shall not be governed entirely by the distance principle established by sections 218.41 to 218.47. Any order of the commission fixing rates or charges for carrying live stock to St. Paul or between St. Paul and South St. Paul shall provide that the railroad that transports such live stock to St. Paul shall absorb such switching charges from St. Paul to South St. Paul out of its line haul rates or charges for the transportation of such live stock to St. Paul, or the common rate point which includes St. Paul. The commission may fix rates for feeding cattle which shall apply to out movement from terminal markets. The commission may unite two or more stations or commercial centers into a common rate point, and may designate the classes of freight which shall take common rates, and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distances so fixed shall not apply as a measure of the rate for the movement of the same class of freight for similar distances between other points.

[1913 c. 90 s. 6; 1915 c. 367 s. 1; 1933 c. 233] (4843)

**218.47 REASONABLE RATES; SHIPMENT OVER TWO OR MORE LINES.** 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 line of road.

[1913 c. 90 s. 8] (4845)

**218.48 JOINT RATES.** Upon the demand of any person interested railroad companies shall establish reasonable joint through rates between points on their

respective lines within this state. No such company shall be required to send its cars over the line of another company when its own lines or connections reach the point to be reached on such other road, but the charge for transportation between any two points shall not exceed the established through joint rate between such points.

[R. L. s. 2018] (4848)

**218.49 TRANSFER FACILITIES.** When required by the commission, after notice and where it is reasonably practicable all such railroad companies at all points of intersection and crossing of different railroads and at any place where two railroads are not more than one-half mile apart and at all terminals shall provide ample and equal facilities by track connection, use of each other's tracks, passenger and freight platforms and depots, warehouses, docks over which general merchandise is handled and forwarded, and other necessary appliances and conveniences for the transfer, forwarding, and handling of general merchandise and parcel freight between such railroads and between such railroads and such docks, warehouses, and vessels at such docks. They shall not discriminate in their charges, rates, or service between such connecting lines or on freight or passengers coming over or transferred from them. No carrier shall be required to furnish to another carrier its tracks, warehouses, depots, equipment, or terminal facilities without reasonable compensation. Carriers shall be entitled to reasonable compensation for service performed over transfer tracks.

[R. L. s. 2019; 1907 c. 27; 1913 c. 429 s. 1] (4849)

**218.50 TRANSFER; ADJUSTMENT OF COSTS.** Each such company shall pay its proportionate share for the building and maintenance of tracks and switches necessary for such transfer facilities. If such companies cannot agree upon such proportion either company may apply to the commission to determine the same.

[R. L. s. 2020] (4850)

**218.51 TRANSFER OF CARLOAD SHIPMENTS.** Freight in carload lots shall be transferred without unloading from the cars containing the same, unless such unloading and reloading shall be done without charge to the shipper or receiver, under such contract arrangements as the connecting companies may make, or under rules prescribed by the commission.

[R. L. s. 2021] (4851)

**218.52 SMALLER SHIPMENTS.** Less than carload lots shall be transferred at cost and the charge for such transfer shall be included in the joint rate. All railroad companies shall give the same facilities to local or state as to interstate traffic.

[R. L. s. 2022] (4852)

**218.53 DIVISION OF CARS AMONG APPLICANTS.** When any railroad company shall be unable to furnish enough cars at any station or sidetrack to supply all persons demanding them for shipment of freight such cars as the company can furnish each day shall be divided among the applicants equally until each shipper has received at least one car, after which the balance shall be divided ratably in proportion to the amount of such freight which each shipper shall have ready for and awaiting shipment as compared with the total amount of such freight which is ready for and awaiting shipment at such station or sidetrack. During the continuance of such car shortage the supply to which each shipper is entitled during any day shall be based on his affidavit filed with the local agent of such railroad company on any day stating the total amount of freight which such shipper has ready for and awaiting shipment on such railroad. In the event of any conflict arising between the provisions of this section and rules or regulations established pursuant to an act of congress, the commission is authorized to prescribe such reasonable modifications of the rules provided herein as may be necessary to remove such conflict, which shall become effective notwithstanding the provisions of this section.

[R. L. s. 2023; 1923 c. 198 s. 1] (4854)

**218.54 CARRIERS TO APPORTION CARS; VIOLATION.** During any period when the supply of cars available for such service does not meet the requirements of the shippers, it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such shippers to the extent that cars are available, and to count each and every car furnished to or used by such shippers against such shippers.

Failure or refusal to do so shall be unlawful, and in respect to each car not so counted shall be deemed a separate offense, and the carrier, receiver or operating trustee so failing or refusing, upon conviction, shall be fined \$100.00 for each offense;

# MINNESOTA STATUTES 1941

1699

COMMON CARRIERS; TRANSPORTATION 218.57

provided, that when necessity is found to exist of which the commission is advised, either by its own investigation, which it may make at any time, or by hearing on complaint of any shipper or railroad company, the commission may, by special order, require the railroad company on whose railroad such necessity is found to exist, to depart to the extent provided in such order, from the application of this chapter or any rule or rules formulated and established under the same.

[1921 c. 307 ss. 2, 3] (4856) (4857)

**218.55 DUTY TO FURNISH CARS; APPLICATION; REASONABLE TIME; PENALTY.** It shall be the duty of any railroad company to furnish suitable car or cars to every and all persons without discrimination who may apply therefor in good faith for the transportation of any and all kinds of freight and to receive and transport such freight with all reasonable dispatch and to provide and keep suitable facilities for the receiving and handling of same at any station or public switch on the line of its road and to receive and transport in like manner the empty or loaded cars furnished by any connecting road to be delivered at any station on the line of its road, to be loaded or discharged, or reloaded and returned to the road so connected; and for compensation it shall not demand or receive any greater sum than is accepted by it from any other connecting railroad for a like service. When the owner, manager, or shipper of any freight of any kind shall make application in writing to any superintendent, agent, or other person in charge of transportation of any railroad company at any point that cars are desired in or upon which to ship any freight it shall be the duty of such railroad company to supply the number of cars so required at the point indicated in the application within a reasonable time thereafter, not to exceed 48 hours at terminal points and 72 hours at intermediate points from the receipt of such application, Sundays and legal holidays excepted and supply such cars to the person so applying therefor in the order in which such applications are made, without giving preference to any person; provided, that if the application be for more than three cars, the railroad company may have one additional day in which to supply each additional car so ordered. The application for cars shall be in writing, stating the number of cars wanted, the time and place desired, and the character of freight and its final destination. To facilitate the making of the application in writing, every railroad company doing business in this state shall provide suitable blanks for that purpose to be kept at all freight offices; and it shall be the duty of every such railroad company, upon the request of the applicant, to furnish him a duplicate of such application. When cars are applied for under the provisions of sections 218.55 to 218.65, if they are not furnished within the time herein stated, the railroad company so failing to furnish them shall forfeit to the party so applying for them the sum of \$1.00 per day for each car failed to be furnished, to be recovered in any court of competent jurisdiction, together with all damages such applicant may have sustained.

[1907 c. 23 s. 1] (4858)

**218.56 LOADED CARS, WHEN REMOVED; PENALTY.** Any railroad company mentioned in section 218.55, upon receipt of notice from a shipper that one or more cars have been loaded by such shipper and are ready for delivery to such company at the place of loading thereof, to be carried on the road of such company towards the destination thereof, shall remove such car or cars from such loading point and forward the same towards destination within 24 hours after receiving such notice, Sundays and legal holidays excepted; and for every delay of 24 hours, or fraction thereof, after the expiration of the period herein allowed for the removal thereof, such railroad company shall forfeit to such shipper the sum of \$1.00 for each and every car not so removed within the period herein provided, together with all damages he may have sustained by failure so to remove.

[1907 c. 23 s. 2] (4859)

**218.57 DUTY OF CONNECTING RAILROAD; CARS TRANSFERRED; PENALTY.** Any railroad company mentioned in section 218.55 which shall receive from a connecting railroad company one or more cars of freight consigned to any point on or beyond its line, shall, within 24 hours after cars are offered to it, or are placed on its transfer or other track, forward the cars over its railroad toward destination; and for every delay of 24 hours, or fraction thereof, on the part of the railroad company in forwarding the cars beyond the allowed period of 24 hours, the railroad company shall forfeit to the party injured by such delay the sum of \$1.00 for each

# MINNESOTA STATUTES 1941

## 218.58 COMMON CARRIERS; TRANSPORTATION

1700

and every car so received and not forwarded upon its line within the time above allowed, together with all damages he may have sustained.

[1907 c. 23 s. 3] (4860)

**218.58 STARTING CAR; AVERAGE SPEED; PENALTY.** When any railroad company in this state shall have received from any shipper, or from a connecting railroad, for shipment over its railroad one or more cars of freight, it shall be the duty of such company receiving such cars of freight within 24 hours thereafter to start the same forward from the place of shipment toward the place of destination, and after being started forward, such cars of freight shall be continued in transit toward the destination thereof at a rate of not less than an average speed of 50 miles per day of 24 hours; and upon the failure of such railroad company to transport such car or cars at the speed herein indicated, such railroad company shall forfeit to the consignee thereof \$1.00 for each and every car for each 24 hours or fraction thereof, consumed in the transportation of the cars in excess of the time herein prescribed; and in ascertaining the time consumed in the shipment of such cars, the time shall begin to run 24 hours after the date of the bill of lading or receipt given for the cars by the railroad company, which bill of lading or receipt shall be received by the courts of this state as prima facie evidence of the time when the cars were received by such company.

[1907 c. 23 s. 4] (4861)

**218.59 DELIVERY TO CONSIGNEE; PENALTY.** It shall be the duty of every railroad company mentioned in section 218.55 to deliver at the usual place of unloading by the consignee all cars of freight hauled by it for delivery to the consignee within 48 hours, Sundays and legal holidays excepted, after the same shall have reached its point of destination; and for each and every delay of 24 hours, or fraction thereof, in not so delivering the same after the expiration of the time herein prescribed, the railroad company shall forfeit the sum of \$1.00 for each and every car not so delivered within the time herein allowed.

[1907 c. 23 s. 5] (4862)

**218.60 TIME FOR LOADING; PENALTY.** It shall be the duty of any shipper in compliance with whose request any railroad company mentioned in section 218.55 has placed one or more cars at the usual loading point of the shipper to fully complete the loading thereof, ready for redelivery to the railroad company within 48 hours after the same shall have been placed at such loading point, Sundays and legal holidays excepted, which full period for loading is allowed the shipper free from demurrage charges; and for every 24 hours, or fraction thereof, or delay beyond this period in so loading the cars, such shipper shall become indebted, and on demand shall pay to the railroad company the sum of \$1.00 for each and every car so placed and not loaded and ready for redelivery within the time allowed herein.

[1907 c. 23 s. 6] (4863)

**218.61 TIME FOR UNLOADING; PENALTY.** It shall be the duty of the consignee of each and every car delivered by any railroad company mentioned in section 218.55, at the usual place of unloading by the consignee to fully unload such car or cars within 72 hours for bituminous coal, bulk lime, fruit, or vegetables, or lumber shipments, and 48 hours for other shipments, from the time the same shall be placed at the usual unloading point of the consignee, which full periods are allowed the consignee for unloading free from demurrage charges; and for each and every delay of 24 hours, or fraction thereof, on the part of the consignee in unloading such cars beyond the above periods, respectively, the consignee shall become indebted, and on demand, shall pay to the railroad company delivering such cars the sum of \$1.00 for each and every car not so unloaded within the time herein prescribed.

[1907 c. 23 s. 7] (4864)

**218.62 BILL OF LADING; EVIDENCE; PENALTY.** For all shipments of freight in carload lots on the railroads mentioned in section 218.55, proper bills of lading showing the date of delivery to such railroad company, the weights and the marks and numbers of each car so shipped shall be issued by the railroad company and delivered to the shipper at the time of receiving such cars; which bill of lading when offered by any party in any cause pending in any court in this state, shall be received and admitted in evidence by such court as prima facie evidence of the time when delivery of such cars was made by the consignor to such railroad company and of the weights and the contents thereof when so delivered to such company,

# MINNESOTA STATUTES 1941

1701

COMMON CARRIERS; TRANSPORTATION 218.69

and such railroad company shall be subject to a penalty of \$100.00 for its neglect or refusal to furnish such shippers such bill of lading for each car so received by it.

[1907 c. 23 s. 8] (4865)

**218.63 NOTICE OF ARRIVAL.** Railroad companies shall, within 24 hours after arrival of any car, give notice to the consignee of the arrival of such car, together with the amount of freight charges due thereon. The notice as referred to in sections 218.55 to 218.65 may be either actual or constructive. When the consignee or agent is personally served with notice of arrival of such car at or before 6:00 p. m. of any day, free time shall begin at 7:00 a. m. of the day after such notice shall have been given. Constructive notice consists of posting notice by mail to consignee. When this method of notice is adopted there shall be 24 hours additional free time.

[1907 c. 23 s. 9] (4866)

**218.64 DAMAGES NOT OFFSET BY DEMURRAGE; LIVE STOCK.** The payment by the railroad company of demurrage provided in sections 218.55 to 218.65 shall in no way invalidate or offset any claim any shipper or consignee may have or make for damages occasioned by delay on the part of such railroad company, or other cause, but shall be a further remedy and in addition to any already existing. Nor shall anything herein contained be held to lessen the duties of any common carrier in the shipment of live stock or other perishable property.

[1907 c. 23 s. 10] (4867)

**218.65 STRIKES, ACCIDENTS.** The period during which the movement of freight or furnishing cars is suspended on account of strikes, public calamities, accident, or any cause not within the power of the railroad company to prevent, or during which the loading or unloading of freight by shipper or consignee is delayed by reason of inclement weather which would make loading or unloading impracticable, or any cause not in the power of said shipper or consignee to prevent, shall be added to the free time allowed in sections 218.55 to 218.65 and counted as additional free time.

[1907 c. 23 s. 11] (4868)

**218.66 MINIMUM WEIGHT OF CARLOAD LOTS OF LIVE STOCK.** Every railroad company shall furnish at proper points designated by it, suitable cars for the transportation of live stock of all kinds, and shall transport the same at a rate not to exceed the highest rate and minimum weight charged by such company for any kind of stock in such car, except that the cattle rate and minimum weight will apply when by the use of same a lower charge results, and the cattle rate will apply when the actual weight exceeds the cattle minimum. The minimum weight of a single-deck carload of mixed live stock containing cattle weighing each in excess of 400 pounds for all purposes of calculating freight charges shall be 19,000 pounds, in cars 36 feet 7 inches in length and under, and 21,000 pounds in cars 40 feet 7 inches in length and over 36 feet 7 inches in length, and 23,000 pounds for all cars over 40 feet 7 inches in length. Stock of different kinds shall be carried in the same car, at the option of the shipper, and the commission is hereby authorized to provide for the partitioning of cars on such terms and conditions as it deems proper. Any such company failing to comply with any provision of this section shall forfeit to the party aggrieved not less than \$100.00, nor more than \$500.00.

[R. L. s. 2025; 1915 c. 254; 1919 c. 301 s. 1; 1927 c. 76; 1931 c. 215 s. 1] (4872)

**218.67 TRANSPORTATION RATES FOR LIVE STOCK IN CERTAIN CARS.** Every car containing a double-deck extending not to exceed ten feet of its length in which live stock is transported by any railway company in this state shall be considered as and have the same transportation rates applied to live stock shipped therein as a single-deck car.

[1923 c. 303 s. 1] (4873)

**218.68 TRANSPORTATION OF SHIPPERS.** Every railroad company receiving for shipment live stock by the carload shall without additional charge transport, going, in a caboose or other suitable car, and returning, by first class passage, with each single, or with the first such carload, one person to care for such stock, and one person in addition for each four additional carloads shipped at the same time. Any company failing to comply with the provisions of this section shall be liable to the shipper for all damages sustained by him by reason of such failure, and any judgment recovered for such damages shall include a reasonable attorney's fee.

[R. L. s. 2026; 1909 c. 380 s. 1; 1921-c. 311 s. 1] (4874)

**218.69 LIVE STOCK AT TERMINAL; TIME FOR DELIVERY AT STOCK-YARDS AND UNLOADING.** All live stock arriving at any terminal over any line

of railroad in this state, which is billed to any stockyard within 20 miles of the terminal where live stock is bought, sold, or transferred shall be delivered to chutes of such stockyard within five hours after its arrival at such terminal unless prevented by an act of God and all live stock arriving at any terminal over any line of railroad in this state which is billed to any stockyard within ten miles of the terminal where live stock is bought, sold, or transferred shall be delivered to the chutes of the stockyards within three hours after its arrival at such terminal unless prevented by an act of God.

[1913 c. 411 s. 1; 1917 c. 378 s. 1; 1919 c. 322; 1923 c. 124 s. 1] (4875)

**218.70 DAMAGE TO LIVE STOCK; NOTICE OF CLAIM.** In any action hereafter brought in any court of this state against one or more common carriers by any owner, shipper or consignee of any shipment of live stock hereafter made, to recover damages for loss of or injury to any such live stock in transit, wherein the answer of the defendant shall set up the defense that the shipper, owner, or consignee of the live stock failed or neglected to make or give written or verbal notice of claim of any kind or form to any agent of any carrier or to any carrier which may have participated in the transportation of the live stock, within any specified or particular time less than four months after the happening of such loss, injury, or damage, as provided by the terms of any shipping contract, bill of lading, or other agreement relating to such shipment, it shall be a sufficient compliance with any such requirement or stipulation in any such shipping contract, bill of lading, or other agreement, that a written notice of claim for such loss, injury, or damage was made or given by such shipper, consignee, or owner to any general or acting freight agent, claim agent, or ticket agent of any one of the carriers within 60 days after the happening of the loss, injury, or damage.

[1909 c. 467 s. 1] (4878)

**218.71 VIOLATIONS; PENALTIES.** Subdivision 1. Any common carrier violating any of the provisions of sections 218.08, 218.09, and 218.11 shall be subject to a penalty of \$100.00 for each and every day such violation shall continue, to be recovered in a civil action in the name of the state of Minnesota by the attorney general.

Subdivision 2. Any person, corporation, or company, or any officer or agent of such corporation or company, violating any of the provisions of sections 218.31 and 218.32 shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not exceeding \$100.00 or by imprisonment in the county jail for a period not exceeding 90 days.

Subdivision 3. Any person or corporation guilty of violating any of the provisions of sections 218.41 to 218.47 shall, upon conviction thereof, be punished by a fine of not less than \$1,000, nor more than \$5,000, for the first offense, and for each subsequent offense not less than \$5,000, nor more than \$10,000, and pay in addition to the fine so imposed the costs of prosecution.

Subdivision 4. Any prosecution under sections 218.41 to 218.47 may be instituted in any county of this state through or into which the line of any railway so offending against the provisions of sections 218.41 to 218.47 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 the county attorney, the attorney general shall assist in the prosecution thereof.

[1905 c. 176 s. 7; 1907 c. 449 s. 3; 1913 c. 90 ss. 9, 10] (4777) (4809) (4846) (4847)

**218.72 SECTION 218.69 APPLIES ONLY TO INTRASTATE SHIPMENTS.** Section 218.69 shall apply only to intrastate shipments.

[1913 c. 411 s. 3] (4877)

**218.73 FORFEITURES; VIOLATIONS; PENALTIES.** Subdivision 1. Any railroad company, or any officer, agent, or representative thereof, who shall violate any provision of section 218.05, upon conviction thereof, shall be punished by a fine of not less than \$1,000, nor more than \$5,000, together with the costs of prosecution. Section 218.05 shall in no way repeal, amend, affect, or modify the provisions of sections 218.29 and 218.30.

Subdivision 2. Any railroad company, or any officer, agent, or representative thereof, who shall violate any provision of section 218.06 shall be guilty of a felony; and, upon conviction thereof, punished by a fine of not exceeding \$5,000 or by imprisonment in the state prison for a period of not exceeding five years, or by both such fine and imprisonment.

# MINNESOTA STATUTES 1941

1703

COMMON CARRIERS; TRANSPORTATION 218.73

Subdivision 3. Any carrier failing to comply with the provisions of section 218.69 shall forfeit and pay to the State of Minnesota the sum of \$50.00 for each such failure, to be recovered in a civil action brought by the attorney general. If two or more carriers are involved in the movement of such live stock, they may be joined in one action and judgment recovered against them all, unless any such carrier shall establish to the court that the cause of such failure was not its fault. The proof of the state that such stock was not delivered in time shall be prima facie evidence that all the carriers were liable.

[1907 c. 97 s. 2; 1913 c. 411 s. 2; 1913 c. 536 s. 2] (4768) (4770) (4876)