

MINNESOTA STATUTES 1953 ANNOTATIONS

623

COMMON CARRIERS; TRANSPORTATION 218.01

217.14 INCRIMINATING QUESTIONS

Self incrimination; confession covered by police; legislative investigations; production of writings; bodily or mental examination; jurisdictional limits of the privilege; waiver by testifying. 34 MLR 1.

217.15 COSTS AND ATTORNEY'S FEES

HISTORY. 1887 c 10 s 15; GS 1878 Vol 2 (1888 Supp) c 6 s 77o; 1891 c 106 s 4; GS 1894 s 393(c); RL 1905 s 1978; Mason's 1927 s 4657.

In determining the amount of attorney's fees to be allowed in an action arising out of a violation by a carrier of interstate commerce, the court is limited to a consideration of the legal services rendered in connection with the damage claimed and services rendered with reference to an application for an injunction and proceedings connected therewith, including an appeal, cannot be considered. *Pacific-Gamble-Robinson Co., v Minneapolis & St. Louis Railway*, 105 F.Supp. 794.

217.16 TICKET AGENTS; LICENSE FOR

HISTORY. 1893 c 66 s 1-4; GS 1894 s 2785-2788; RL 1905 s 2043; 1909 c 143 s 1; Mason's 1927 s 4941.

217.32 SIDETRACKS TO SAND OR GRAVEL PIT

HISTORY. 1893 c 65 s 1; GS 1894 s 7730; RL 1905 s 2006; 1913 c 367 s 2; GS 1913 s 4284; 1917 c 287 s 1; GS 1923 s 4765; MS 1927 s 4765.

217.36 Unconstitutional.

(*Chicago, Minneapolis, St. Paul and Pacific Railway Co. v Interstate Contracting Co.*, 193 M 71, 257 NW 811.)

217.40 CONSTRUCTION OF CHAPTER

Restrictive provisions of Laws 1933, Chapter 170, which forbid issuance of a permit thereunder to railroads or wholly owned subsidiaries thereof, does not relate to common carriers by motor vehicle between fixed termini or over regular routes, and governed by Laws 1925, Chapter 185, and containing no such restrictions. *Rock Island Motor Transit Co. v Murphy Motor Freight Lines*, 229 M 291, 40 NW(2d) 896.

CHAPTER 218

COMMON CARRIERS; TRANSPORTATION

218.01 RAILROAD AND RAILWAY

HISTORY. 1874 c 26 s 14; 1885 c 188 s 25; 1887 c 10 s 1(b); GS 1878 Vol 2 (1888 Supp) c 6 s 77a; 1889 c 124; 1913 c 90 s 4; GS 1913 s 4351; GS 1923 s 4841; MS 1927 s 4841.

Limitation of liability of carriers; released value rates. 33 MLR 774.

Liability of rail carriers in foreign commerce under the Interstate Commerce Act. 35 MLR 64.

Liability of initial carrier under the common law. 35 MLR 64.

Liability of the initial carrier under the Carmack amendment. 35 MLR 69.

Racial discrimination by carriers of passengers. 35 MLR 630.

MINNESOTA STATUTES 1953 ANNOTATIONS

218.04 COMMON CARRIERS; TRANSPORTATION

624

218.04 CHARGES, REASONABLE, NON-DISCRIMINATORY AND NON-PREJUDICIAL

HISTORY. 1874 c 26 s 5; 1875 c 103 s 7, 8; GS 1878 c 6 s 73, 74; 1885 c 188 s 20; 1887 c 10 s 2(a), 2(b); GS 1878 Vol 2 (1888 Supp) c 6 s 77b, 77c; 1893 c 108 s 1; GS 1894 s 380 (a), 380(b); 1895 c 91; RL 1905 s 2007; GS 1913 s 4285; GS 1923 s 4766; MS 1927 s 4766; 1949 c 440 s 3.

Constitutional right of a public utility to judicially enforce "reasonable return" upon the "fair value" of its operating properties. 37 MLR 159.

Charges must be reasonable, nondiscriminatory, and nonprejudicial. Great Northern v United States, 96 F. Supp. 298, 72 SCR 985.

218.07 FREIGHT RATES; RIGHT OF CARRIER IN FIRST INSTANCE; UNIFORM CLASSIFICATION

In an action by a railroad to enjoin an order of the interstate commerce commission, the district court held that the evidence justified the finding that continued operation of a specified railroad which connected with interstate lines of another railroad was justified, and justified the interstate commerce commission in establishing joint rates over through routes of such railroads and reapportioning the revenue therefrom between such railroads. The injunction was vacated and the complaint dismissed. Great Northern v United States, 111 F. Supp. 450.

218.11 RATES; APPLICATION FOR CHANGE; NOTICE; HEARING

HISTORY. Amended, 1949 c 440 s 4.

The railroad and warehouse commission has authority to order a student fare at less than the rate of fare established for the transportation of regular passengers. In the transportation of school children there exists such difference in weight, the space occupied, the regularity of travel, the time of travel, coupled with the policy of the state to promote education, as would justify placing them in a separate class. OAG Oct. 4, 1949 (493-F-2).

218.12 RATE FOR TEMPORARY PERIOD

HISTORY. Amended, 1949 c 440 s 5.

218.14-218.18 Repealed, 1949 c 440 s 7.

218.31 FREE PASSES, REDUCED RATES

HISTORY. 1885 c 188 s 25; 1887 c 10 s 1; GS 1888 Supp c 6 s 77a; 1889 c 124 s 1; 1907 c 449 s 1; 1913 c 92 s 1; 1917 c 53 s 1; 1923 c 121 s 1; Mason's 1927 s 4807; 1929 c 162 s 1; 1935 c 79 s 1; Mason's Supp. s 4807; 1953 c 145 s 1.

218.34 POOLING FORBIDDEN

Economical considerations in the enforcement of the federal anti-trust laws. 34 MLR 210.

Anti-trust and the new economics. 37 MLR 505.

Legal meaning of monopoly. 37 MLR 539.

218.36 Repealed, 1949 c 440 s 7.

218.54 CARRIERS TO APPORTION CARS; VIOLATION

The existence of a strike among the shipper's employees and fear of reprisal from such striking employees, in the absence of threats of violence or danger, is insufficient to excuse a railroad company from furnishing cars and rendering switching service to the shipper. A railroad company that had furnished ten cars to a ware-

MINNESOTA STATUTES 1953 ANNOTATIONS

625

COMMON CARRIERS; REGULATIONS, LIABILITIES 219.06

house in response to an oral order and which had subsequently withdrawn eight of the cars before they were loaded, and this at the request of the striking warehousemen, cannot question the sufficiency of the oral order with which it had complied. *Pacific-Gamble-Robinson Co. v Minneapolis & St. Louis Railroad*, 105 F Supp 794.

218.55-218.65 Unconstitutional.

NOTE: Laws 1907, Chapter 23, coded in Minnesota Statutes 1941 as sections 218.55 to 218.65, were deleted because of the ruling of the United States Supreme Court in *Chicago, Rock Island v Hardwick Elevator*, 33 SC 174, 226 US 426, and decision of Minnesota Supreme Court in *Chicago, Milwaukee & St. Paul v Interstate Contracting Co.*, 193 M 71, 257 NW 811.

218.68 TRANSPORTATION OF SHIPPERS

HISTORY. 1899 c 170; RL 1905 s 2026; 1907 c 380 s 1; 1909 c 380 s 1; 1921 c 311 s 1; Mason's 1927 s 4874.

218.71 VIOLATIONS; PENALTIES

HISTORY. Amended, 1949 c 440 s 6.

218.73 FORFEITURES; VIOLATIONS, PENALTIES

The federal power commission lacks power under the National Gas Act to make findings as to the reasonableness of past rates for transportation of natural gas. *McClellan v Montana-Dakota Utilities Co.*, 140 F Supp 46.

CHAPTER 219

COMMON CARRIERS; REGULATIONS, LIABILITIES

219.01 CONSTRUCTION OF RAILROADS

NOTE: See Minnesota Constitution, Article X, Section 4.

Limitation of liability of carriers; released value rates. 33 MLR 774.

Bills of lading, duty of carrier to notify shipper of non-acceptance of goods. 37 MLR 204.

The statute prohibiting the interstate commerce commission from establishing through routes, and joint rates applicable thereto, for the purpose of aiding a financially weak carrier, is not applicable in the instant case, since the order in question did not establish a through route. *United States v Great Northern Railway*, 72 SC 985.

219.06 SIGNS AT CROSSINGS

Contributory negligence as a defense to a violation of the statute. 32 MLR 105.

In an action for injuries sustained when a truck was struck by a train at a crossing the testimony of witnesses that they heard no whistle or bell prior to the collision is admissible, although negative. It was the only type of evidence available for the plaintiff. *Polchow v Chicago, St. Paul, Milwaukee & Ohio Ry.*, 199 M 1, 270 NW 673.

The train crew may properly assume that the driver of a vehicle approaching a railroad crossing will exercise care and stop, and they need not themselves stop or reduce speed of train until it becomes apparent to them that the driver will not stop. *Ohrmann v Chicago and Northwestern*, 223 M 580, 277 NW(2) 806.