Minnesota Law Supplement.

CONTAINING THE GENERAL LAWS PASSED DURING SESSION OF 1887---OFFICIAL PUBLICATION.

OFFICIAL PUBLICATION

LAWS OF MINNESOTA

SESSION OF 1887.

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Laws Relating to Railways.

1. AN ACT to regulate common carriers, and creat-ing the rallroad and warehouse commission of the State of Minnesota, and defining the duties of such commission in relation to common e it enacted by the Legislature of the State of SECTION 1. (a) That the provisions of this act

SECTION 1. (a) That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly, by water, when both are used under a common control, management or arrangement, for a carriage or shipment from one place or station to another, both being within the State of Minnesota

Provided, That nothing in this act shall apply to street railways of to the carriage storage. Provided, That nothing in this act shall apply to street railways or to the carriage, storage or handling by any common carrier, of property, free, or at reduced rates for the United States, or for the State of Minnesota, or for any municipal government or corporation within the state, or for any charitable purpose, or to or from fairs and expositions for exhibition thereat, (or stock for breeding purposes), or to the issuance of mileage, excursion or commutation passenger tickets, at rates made equal to all, or to transportation of stock shipped with cars, and nothing in the provisions of this act shall be construed to prevent common carriers, subject to the provisions of this act, from issuing passes for the free transportation of passengers.

(b) The te m"railroad" as used in this act shall include all bridges or ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad in use by any corporation operating a rail-road, whether owned or operated under a con-tract, agreement or lease; and the term "trans-portation" shall include all instrumentalities of

portation" shall include all instrumentalities of shipment or carriage.

SEC 2. (a) That all charges made by any common carrier, subject to the provisions of this act, for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in counection therewith, or for the receiving, delivering, storage or handling of such property shall be equal and reasonable; and every unequal and unreasonable charge for such service is prohibited and deciared to be unlawful.

Provided, That one car load of freight of any kind or class shall be transported at as low a rate per ton, and per ton per mile, as any creater number of car loads of the same kind and class from and to the same points of origination and destination.

from and to the same grant destination.

(b) It shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any unequal or unreasonable preference or advantage to any particular person, or locality, or or give any unequal or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any unequal or unreasonable prejudice or disadvantage in any respect whatsoever.

SEC. 3. (a) That all common carriers, subject to the provisions of this act, shall, according to their respective powers, provide, at the point of connection, crossing or intersection, ample to the provisions of this act, shall, according to their respective powers, provide, at the point of connection, crossing or intersection, ample facilities for transferring cars, and for accommodating and transferring passengers, and traffic of all kinds and classes, from their lines or tracks, to those of any other common carrier whose lines or tracks may connect with, cross or intersect their own, and shall afford all equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates and charges between such connecting lines, or on freights coning over such lines; but this shall not be construed as requiring any common carrier to use for another common carrier its tracks, equipments or terminal facilities without reasonable compensation.

(b) That it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time or schedule, or by carriage in different cars, or by any other means or devices, the carriage of freight from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage or interruption made by such common carrier shall prevent the carriage of freight from being treated as one continuous carriage from the place of slipment to the place of slipment

carriage of freight from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

(c) Every common carrier operating a railway in this state shall, without unreasonable delay, furnish, start and run cars for the transportation of persons and property, which, within a reasonable time theretofore, is offered for transportation at any of its stations on its line of road and at the junctions of other railroads, and at such stopping places as may be established for receiving and discharging passengers and freights; and shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places, on and from all trains advertised to stop at the same, for passengers and freights, respectively, upon the due payment, or tender of payment, of tolls, freight or fare therefor, if such payment is demanded. Every such common carrier shall permit connections to be made and maintained in a reasonable

sengers and freights, respectively, upon the due payment, or tender of payment, of tolls, freight or fare therefor, if such payment is demanded. Every such common carrier shall permit connections to be made and maintained in a reasonable manner with its side tracks to and from any warehouse, elevator or manufactory without reference to its size or capacity; provided, that this shall not be construed so as to require any common carrier to construct or furnish any side track off from its own land; provided further, that where stations are ten (10) miles or more apart the common carrier, when required to do so by the railroad and warehouse commissioners, shall construct and maintain a side track for the use of shippers between such stations.

(d) Whenever any property is received by any common carrier subject to the provisions of this act, to be transported from one place to another within this state, it shall be unlawful for such common carrier to limit in any way, except as stated in its classification schedule, hereinafter provided for, its common law liability with reference to such property while in its custody as a common carrier, (as hereinbefore mentioned,) such liability must include the absolute responsibility of the common carrier for the acts of its agents in relation to such property.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act, to enter into any contract, agreement, or carriers for the division or pooling of business of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of an agreement for the pooling of their buiness aforesaid, each day of its continuance shall be deemed a separate offense.

portion thereof; and in case of an agreement for the pooling of their buiness aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 5. That if any common carrier, subject to the provisions of this act, shall, directly or indirectly, by any special rate, rebate, drawback or other device charge, demand, collet or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of persons or property, subject to the provisions of this act, than it charges, demands, collects or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of passengers or property, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 6. That it shall be unlawful for any common carrier, subject to the provisions of this act, to 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 construed as authorizing any common carrier, subject to the provisions of this act, to charge or receive as great compensation for a shorter a for a longer distance.

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission may from time to time prescribe the extent to which shorter distances, for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which shorter distances, for the transportation of passengers or property; and the commission so fits act.

SEC. 7 (a) That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge as high a rate per ton, per mile, for the contemporateous transportati

grain or other freight, such cars as are furnished shall be divided as equally as may be among the applicants until each shipper shall have received, at least, one car, when the balance shall be divided ratably in proportion to the amount of daily receipts of grain, or other freight, to each shipper, or to the amount of grain offered at such statton on side tracks.

divided ratably in proportion to the amount of daily receivts of grain, or other freight, to each shipper, or to the amount of grain offered at such shipper, or to the amount of grain offered at such shipper, or to the amount of grain offered at such station on side tracks.

(c) There shall in no case be more than one terminal charge for switching or transferring any car, whether the same is loaded or empty, within the limits of any one city or town. If it is necessary that any car pass over the tracks of more than one company, within such city or town limits, in order to reach its final destination, or to be returned therefrom to its owner or owners, then the company first switching or transferring such car shall be entitled to receive the entire charge to be made therefor and shall be liable to the company or companies doing the subsequent switching or transferring thereof for its or their reasonable and equitable share of the companies so jointly interested, and if the companies so jointly interested therein can not agree upon the share thereof which each is entitled to receive, the same shall be determined by the board of railroad and warchouse commissioners, whose decision thereon shall be flual and conclusive upon all parties interested, and the said board are authorized to establish such rules, regulations in that behalf as to them may seem just and reasonable and not in conflict with this act.

SEC. 8. (a) That every common carrier, subject to the provisions of this act, shall within sixty (60) days after this act shall take effect, print and thereafter keep for public inspection, schedules showing the classification, rates, fares and charges for the transportation of passengers and property of all kinds and classes which railroad, as defined by the first section of this act. The schedule printed as aforesaid by such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain "classifications of freight" in force upon the lines

eniently inspected.
(b) No change of 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 car-

and charges, which have been established and published as aforesaid, by any common carrier, in compliance with the requirements of this section, except after ten (10) days' public notice, which notice 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 will be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection.

(c) And when any common carrier shall have established and published its classifications, rates, fares and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect or receive from any person or persons a greater or less compensation for the transportation of passencers or property or for any service in connection therewith, than is specified in such published schedule of classifications, rates, fares and charges as may at the time be in force.

(d) Every common carrier, subject to the provisions of this act, shall file with the commission hereafter provided for in section ten (10) of this act, copies of its schedules of classifications, rates, fares and charges which have been established in compliance with the requirements of this section, and shall promptly notify said commission of all changes proposed to be made in the same. Every common carriers shall also file with said commission copies of all contracts, agreements or arrangements with other common carriers in relation to any tradic affected by the provisions of this act, to which contracts, agreements or arrangements with other common carriers in relation to any tradic affected by the provisions of this act, to which contracts, agreements or arrangements with other common carriers in relation to any tradic affected by the provisions of this act, to which contracts, agreements or arrangements it may be a party. And in cases where passengers or freight pass over lines or routes carriers operating such lines or routes, establis joint schedules of rates or fares, or charges classifications for such lines or routes, copies such joint schedules shall also, in like manne such joint schedules shall also, in like manner, be filed with said commission. Such joint schedules of rates, fare, charges and classifications, for such lines, so filed as aforesaid, shall also be made public by such common carriers in the same manner 2s hereinbefore provided for the publication of tariff upon its own lines.

lines.

(c) That in case the commission shall at any time find that any part of the tariffs of rates, fares, charges or classifications so filed and published as hereighefore provided, are in any respect unequal or unreasonable, it shall have the power and is hereby authorized and directed to compel any common carrier to change the same and adopt such rate, fare, charge or classification as said commission shall declare to be equal and reasonable. To which end the to be equal and reasonable. To which end the commission shall, in writing, inform such common carrier, in what respect such tariff of rates, fares, charges or classifications are unequal and nureasonable, and shall recommend what tariffs shall be substituted therefor.

inon carrier, in what respect such tarin or rates, fares, charges or classifications are unequal and unreasonable, and shall recommend what tariffs shall be substituted therefor.

(f) In case such common carrier shall neglect or refuse for ten (10) days after such notice to substitute such tariff of rates, fares, charges or classifications, or to adopt the same as recommended by the commission, it shall be the duty of said commission to immediately publish such tariff of rates, fares, charges and classifications as they had declared to be equal and reasonable, and cause the same to be posted at all the regular stations on the line of such common carrier in this state, and thereafter it shall be unlawful for such common carrier to charge or classification than that so fixed and published by said commission.

(g) If any common carrier, subject to the provisions of this act, shall neglect or refuse to publish or file its schedules of classifications, rates, fares or charges or any part thereof as provided in this section, or if any common carrier shall be subject to a writ of mandamus, to be is sued by said commission, such common carrier shall be subject to a writ of mandamus, to be is sued by any judge of the supreme court, or of any of the district courts of this section and with the recommendation of the commission, and failure to comply with the requirements of this section and with the requirements of this section and failure to comply with the requirements of this section and in the said commission, as complainants, may also apply to any such judge for a writ of injunction avainst such common carrier from receiving or transporting property or passengers within this state until such common carrier shall have complied with the requirements of this section and the recommendation of said commission, as complainants, may also apply to any such judge for a writ of injunction avainst such common carrier shall have complied with the requirements of this section and the recommendation of said commission; and for any

road and Warehouse Commission of the State of Minnesota," which shall be composed of three commissioners, who shall be composed of three commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate.

(b) The commissioners first appointed under this act shall continue in office for the term of one, two and three years respectively, and until their successors are appointed and qualified, beginning with the first Monday of January. A. D. 1889; the term of each to be designated by the governor, but their successors shall be appointed for the term of three years, and until their successors are appointed and qualified, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner whom he shall succeed. Any commissioner may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. Said commissioners shall not engage in any other business, vocation or employment while acting as such commissioner may be removed by the governor appointed while acting as such commissioners. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

(c) Vacancies occasioned by removal, resignation or other cause, shall be filled by the governor as provided in case of original appointments. Not more than two of the commissioners appointed shall be members of the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or any law of this state, or owning stocks or bonds, or other property thereof, or who is in any manner interested therein, shall enter upon the duties of his office cach commissioner shall make and subscribe and file with the secretary of state an affidavit in the following form: "I do solemnly swear (or affirm, as the case may be) that I will sulport the commission of the Estate of Minnesota, according to th

charge as high a rate per ton, per mile, for a longer as for a shorter distance.

(b) Whenever any railway company doing shall enter into bonds to the State of Mincota, to be approved by the governor, in the state shall be unable, from any reasonable cause, to furnish cars at any railway station or side track, in accordance with the demands made by all persons demanding cars at such stations or side tracks for the shipment of the commission, which bond shall be filed with the secretary of state.

(f) The commission reso appointed and qualified shall enter into bonds to the State of Mincota, to be approved by the governor, in the sum of \$20,000, conditioned for the faithful performance of his duty as a member of such such stations or side tracks for the shipment of

SEC. 11. (a) That in case any common carrier, subject to the provisions of this act, shall do, cause to be done, or permit to be done, any act or thing in this act prohibited, or declared to be unlawful or shall port to the common the common terms of the common terms. unlawful, or shall omit to do any act, matter or thing in this act required to be done, such com-mon carrier shall be liable to the person or per-sons, party or parties injured thereby, for the full amount of damages sustained in conse-quence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

be taxed and collected as part of the costs in the case.

(b) That any person or persons, party or parties claiming to be damaged by the action or non-action of any common carrier, subject to the provisions of this act, may either make complaint to the commission, as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district court of the state, of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies at the same time.

(c) In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee or agent of any corporation or company, defendant in such suit, to attend, appear and testify in such case, and may compel the production of the books and papers of such corporation or company, party to any such suit; the claim that any such testimony or evidence may tend to criminate the porson giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Sec. 12. That any common carrier, subject to the provisions of this act, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessedagent or person acting for, or employed by such corporation, who, alone or with any other corporation, company, person or party, shall willfully suffer or permit to be done, or shall willfully suffer or permit to be done, or shall willfully suffer or permit any act, matter or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall will suffice or or shall aid or abet therein, shall be deemed guilty of any willful infraction of the provisions this act and shall, upon conviction thereof in any district court of the state within the jurisdiction of which such case.

(b) That sny person or persons, party or persons claiming to be damaged by the action or

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ceclises in such manner as will best continues to the proper dispatch of business and to the proper dispatch of business and the proper dispatch of the pro

covery of damages for such injury as may have been sustained by the injured party; and the costs and expenses of such prosecution shall be paid out of the appropriation hereinafter provided for for the uses and purposes of this act.

(b) And the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice shall be served on such common carrier, his or its officers, agents or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily, and without the formal pleadings and proceedings applicable to ordinary suits in equity; but in such manner as to do justice in the premises, and to this end such court shall have power if it thinks fit to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such potition. And on such hearing the report of said commission shall be prima facic evidence of the matters therein stated.

() And if it be made to appear to such court on such hearing or on report of any such person or persons, that the lawful order or requirement of such commission, drawn in the question has been violated or disobeyed, it shall be lawful for such commission, and on such disobedience of such order or requirement of said commission, and enjoining obedience of the same, and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of

wise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers or agents of the same, or agains: any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or wise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default, the sum of \$500 for every day after a day to be named in the order, that such carrier or other proper process, mandatory or otherwise: and such moneys shall fail to obey such injunction or other proper process, mandatory or otherwise: and such moneys shall be payable, as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court; and payment thereof may without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court.

Either party to such proceeding before said

recovered by a final decree in personam in such court.

Either party to such proceeding before said court may appeal to the supreme court of the state, under the same regulations now provided by law in respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless the court hearing or deciding such case should otherwise direct, and such court may, in every such matter, order the payment of such costs and counsel-fees as shall be deemed reasonable.

(d) In case the attorney general shall not matter, order the payment of such costs and counsel-fees as shall be deemed reasonable.

(d) In case the attorney general shall not within a period of ten (10) days after the making of any order by the commission, commence judicial proceedings for the enforcement thereof, any railroad company, or other common carrier affected by such order, may at any time within the period of thirty (30) days after the service upon him or it of such order, and before commencement of proceedings, appeal therefrom to the district court of any judicial district, through or into which his or its route may run, by the service of a written notice of such appeal upon some member or the secretary of such commission. And upon the taking of such appeal, and the filing of the notice thereof with the proof of service in the office of the clerk of such court, there shall be deemed to be pending in such court a civil action of the character and for the purposes mentioned in sections 11 and 15 of this act. Upon such appeal, and upon the hearing of any application for the entorcement of any such order made by the commission, or by the Attorney General, the court shall have jurisdiction to examine the whole matter in controversy, including matters of fact as well as questions of law, and to affirm, modify or rescind such order in whole or in part, as justice may require, and in case of any order leding modified as aloresaid, such modified order shall for all the purposes contemplated by this etc. stand in place of the original order so modified as testing the contemplated by this etc. stand in place of the original order so modified. inall for all the purposes contemplated by this ct, stand in place of the original order so modied. No appeal as aforesaid shall stay or supersede

common carrier, subject to the provisions of this act, in contravention of the provisions of this act, in contravention of the provisions of the seed, in contravention of the charges those made shall be forwarded by the commission as the order appealed from in so far as such order thus made shall be forwarded by the commission or this act, or observe the order appealed from in so far as such order than made shall be forwarded by the commission or the angle of the small relate to rates of transportation or to modes of transportation or to mode of transportation or to modes of transportation or to mode of transportation or to modes of transportation or to mode of transportation or to modes of transportation or to modes of transportation or to mode of the called to rate of transportation or to mode of the courts of this act, or the public, unless the court harding transportation or the mode of the court in the public, unless the court harding transportation or the public, unless the court harding transportation or the mode of the call make to the public, unless the court harding transportation or the mode of the call make to the public, unless t

the number of employes and the salary paid each class, the amounts expended for improvements each year, how expended, and the character of such improvements: the carnings and receipts of each branch of business, and from all sources, the operating, and other expenses; the balance of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet; also the total number of acres of land received as grants either from the United States or from the State of Minnesota, the number [of] acres of said grants sold, and average price received per acre, the number of acres of grants unsold and the appraised value per acre. Such detailed reports shall also contain such information in relation to rates and regulations concerning fares or freights and agreements, arrangements or contracts with express companies, telegraph companies, lesping and dining car companies, fast freight lines, and other common carriers, as the commission may require, with copies of such contracts. agreements or arrangements.

(b) And the said commission may, within its

common carriers, as the commission may require, with copies of such contracts, agreements of a commission may require, with copies of such contracts, agreements or arrangements.

(b) And the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purpose of this act, prescribe life in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers, subject to the provisions of this act, shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 18. (a) That such commissioners shall, on or before the first day of December of each year, and oftener if required by the governor to do so, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual workings of the system of railroad transportation in its bearings upon the business and prosperity of the people of this state, and such suggestions in relation thereto as to them may seem appropriate.

(b) They shall also, at such times as the governor shall direct, examine any particular subject connected with the conditions and management of such railroads, and report to him in writing, their opinion thereon, with their reasons therefor. Said commissioners shall also investigate and consider what, if any, amendment or revision of the railroad laws of this state the best interest of the state may demand, and they shall make a special blennial report on said subject to the governor shall be by him transmitted to the legisisture at the earliest practicable time.

(c) Nothing in this act contained shall in any second cont

said subject to the governor. All such reports made to the governor shall be by him transmitted to the legislature at the earliest practicable time.

(c) Nothing in this act contained shall in any way abridge or alter the remedies now cristing at common law or by statute, but the provisions of this act are in addition to such remedies. Provided, That no pending litigation shall in any way be affected by this act.

SEC. 19. Each commissioner shall receive an annual salary of three thousand dollars, payable in the same manner as the salaries of other state officers. The commissioner shall appoint a secretary who shall receive an annual salary of eighteen hundred dollars, payable in like manner. Said secretary shall, before entering upon the duties of his office, make and file with the secretary of state an affidavit in the following form: "I do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States and the constitution of the United States and the constitution of the State of Minnesota, and that I will faithfully discharge my duties as secretary of the railroad and warehouse commission of the State of Minnesota, according to the best of my ability: and I further declare that I am not in the employ of, or holding any official relation to, any common carrier or grain warehouseman, within said state; nor am I, in any manner, interested in any stock, bonds or other property of such commission, which bond shall be filed with the secretary of such commission, which bond shall be filed with the secretary of such commission, which bond shall be filed with the secretary of such other employes as it may find necessary to the approved by the governor of the state.

The commissioners shall be farmished with suitable office and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the district courts of the state.

state.
All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employes under their orders, in making any investigation in any other place than the city of St. Paul, shall be allowed and paid out of the state treasury on the presentation of itemized vouchers therefor, approved by the chairman of the commission and the state auditor.

the state auditor.

SEC. 20. That the sum of fifteen thousand
(\$15,000) dollars is hereby appropriated for the
use and purposes of this act for the fiscal year
ending July 31st, 1885, and the sum of fifteen
thousand (\$15,000) dollars is hereby appropriated for the use and purposes of this act
for the fiscal year ending July 31st, 1889.

SEC. 21. That all acts and parts of the second for the fiscal year ending July 31st, 1889.

SEC. 21. That all acts and parts of acts inconsistent herewith are hereby repealed, provided that the provisions of this act shall apply to and govern the existing railroad and warehouse commissioners appointed by virtue of an act approved March 5th, 1885, who are hereby clothed with the powers and charged with the duties and responsibilities of this act, granted to and imposed upon the railroad and warehouse commissioners of the State of Minnesota.

SEC. 22. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.

A. R. McGILL,

A R McGILL, Governor

AN ACT to provide for the better protection of railroad switches. Be it enacted by the Legislature of the State of Minnesota: Section 1. Any person or persons, railroad SECTION 1. Any person or persons, railroad companies or corporations, owning or operating any railroad or railroads in this state, shall be and are hereby required on or before the first day of June, A. D. one thousand eight hundred and eighty-seven (1887), to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads in all yards, divisional and terminal stations, so as to thoroughly protect and prevent the feet of employes and other persons from being caught therein.

SEC. 2. Any person or persons, railroad company or corporation owning and operating a railroad in this state, who shall fail to comply with the provisions of this act, shall be fined in a sum of not less than five hundred (500) dollars, in the discretion of the court, for each of fense, and the neglect of any such person, company or corporation to comply with the provisions of this act snall be deemed a violation of the same.

the same.
Sec. 3. All railroad companies owning or op-SEC. 3. All railroad companies owning or operating railroads or portions of railroads in this state shall, in addition to the penalties prescribed in this a-t, be liable for any damage resulting from the failure to comply with the provisions thereof, such damage to be recovered by the person injured, or his or her legal representatives.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.

AN ACT regulating the rate of transportation for mixed car loads of cattle, live stock, etc., on the railroads of this state. Be it enacted by the Legislature of the State of Minnesota:

Sectron 1. That all railroad companies doing business in this state shall furnish to shippers of live stock, horses, cattle, sheep or swine, stock or cattle cars for the transportation of live stock, cattle, sheep or swine, at proper points to be designated by said railroad companies on the line of such roads, and shall carry, convey and transport such live stock, cattle, sheep or swine mixed on such cars at the option and expense of the shipper, for properly partitioning off such car for the transportation of such live stock in such cars, to be transported to any point within this state, as may be shipped in said cars.

SEC. 2. Any violations of the provisions of this act, or any refusal on the part of any officer or any employe of any of the railroad companies of this state to furnish such cars, accept, transport and convey such cars of mixed cattle to any point within this state, shall be deemed a misdemeanor, and upon conviction in any competent court in this state having jurisdiction thereof, such company shall forfeit and pay the sum of not less than one hundred (100) or more than five hundred (300) dollars, to be recovered by the party aggrieved, in the name of the state. ecovered by the party aggricved, in the name he state. SEC 3. That the charge and rate of such car of mixed live stock for transportation as afore-said may be the highest rate for transportation of cither class or kind of such stocks of trans-ported in said mixed car loads by said railroad ompany.
SEC. 4. This act shall take effect and be in order from and after its passage.
Approved March 7th, 1887.

AN ACT to provide for the taxation of lands held or which have been held by railroad com-panies in this state, and for the taxation of certain rights, interests and estates in such lands.
e it enacted by the Legislature of the State of Minnesota: SECTION 1. Whenever any railroad company SECTION 1. Whenever any ratiood company to which lands have been cranted to aid in the building of its line of road in the Territory or State of Minusosta (and which lands have been by law exempted from taxation until leased, contracted or sold by said company) has sold, assigned, transferred or disposed of, or shall sell, assign, transfer or dispose of any estate, right, title or interest therein or thereto, the right, title, estate or interest of such purchaser,

assignee or holder, by whatever mode or in whatever form such sale, transfer or assignment is or may have been made, shall become and, be taxable, and shall be assessed and taxed as other real property in this state, and the taxes of such right, title, interest or estate shall be collected and enforced as taxes on other real property. And the purchaser at any such tax sale of such right, title, interest or estate or the successor in interest of such purchaser, shall acquire, take, hold or be subrogated to all the right, title, interest or estate of the person holding the same under or from the railroad company. And said purchaser at such sale, or his successor in interest, shall have the right to do any and every act or thing which the said person holding such right, title, interest or estate under such railroad company might, could or should do or have done in order to be entitled to a perfect title or deed of such lands. And on performance the purchaser at such tax sale or his successor in interest shall be entitled to a deed of such lands from the railroad company holding the legal title thereto.

Provided always, that the right of redemution

holding the legal title thereto.

Provided always, that the right of redemption from such tax sale shall exist as in other cases of the purchase of real property at tax sales And provided further, that the purchaser of any such lands or of such right, title, interest or estate in such lands sold for delinquent taxes, or a forfaired tather than the rest of the such lands. as forfeited to the state, shall acquire, and shall only acquire, by virtue of such purchase, such rights and interests as belong to the person holding or a half state. only acquire, by virtue of such purchase, such rights and interests as belong to the person holding or claiming under the railroad company as aforesaid, and the right to be substituted in the place of such holder or claimant under the railroad company, and as the assignee of all his interests and rights to all intents and purposes; and upon the production to the proper officer of such railroad company of the tax certificate obtained on the purchase at such tax sale; in case said lands have not been redeemed, such purchaser at suche tax sale; or his successor in interest, shall have the right to make any payment of principal or interest due or to grow due (if any) upon or on account of such lands to said railroad company, as the assignee of the rights of the person purchasing, holding or claiming under the said railroad company prior to the redemption of such lands. In case the holder under the railroad company shall fail to redeem such lands within the time allowed by law, and at the same time also pay to the treasurer of the county in which such lands lie, for the use of the holder of such tax certificate, all payments of principal and interst, if any, by him made to said railroad company, on account of said lands, with interest from the time they were so made at twelve (12) per cent per annum, then the holder or owner of such tax certificate, upon the receipt of his tax deed thereupon duly given, and the filing of a certified copy of the same with the land commissioner or proper officer of such railroad company shall execute to him, such a deed or contract, or such evidence of sale or of right to said lands, as was issued to the original purchaser, holder or claimant under the railroad company, or as such original claimant would be entitled to, and with the like force and effect as such to. holder or claimant under the railroad company, or as such original claimant would be entitled to, and with the like force and effect as such original contract or evidence of sale or right to such lands.

original contract or evidence of sale or right to such lands, and in lieu of such original contract, certificate or evidence of sale.

SEC. 2. That whenever any special stock or land stock, or any other writing or instrument whatever, is or has been issued by any railroad company to any person or persons with a view or intention to thereby grant or transfer or secure to the person to whom such stock or instrument is issued or delivered, any interest, right, title or estate in or to any lands held by such railroad company, the right, title, interest or estate of such person holding such special stock, stock bond, writing or instrument in or to the lands to which such stock or writing is applicable or refers, shall be held and considered within the purview of this act subject to taxation, and shall be taxable and taxed as aforesaid.

SEC. 3. In case the tax title of the purchaser at any tax sale of any such lands or interest on lands as are referred to in this act, or of his successor in interest, shall be held or adjudged invalid for any reason, then in such case the holder of such taxes were paid the amount of such taxes opaid, with interest thereon at the rate of eight (8) per cent per annum.

SEC. 4. In the assessment or taxation of such lands or of any interest or estate in such lands, or in any of the proceedings to collect or enferce such tax, it shall not be necessary to state the name or names of the owner or owners of such lands or of such interests so assessed; but it shall in all such proceedings to assess or tax or to enforce any tax on or against such lands or interests, the burden of proof shall be on the per-

and in all such proceedings to assess or tax or to enforce any tax on or against such lands or interests, the burden of proof shall be on the person claiming or alloring that such tax is invalid, or who sets up any defense against the same, to allege in his answer, and to show on trial, the particular facts establishing such invalidity or illegality.

And if it is alleged that such lands or interests are exempt from taxation for any reason it whall are exempt from taxation for any reason, it shall be incumbent on and necessary for the person attempting to establish such defense to allege and to affinatively prove the same; and it there be any facts within the knowledge of the person setting up such defense, showing or tending to show, or which might show, that such lands or any estate or interest therein have been bargained, sold or transferred to any person whose property is not by the laws of this state exempt from taxation, it shall be incumbent on such person to set up and prove such facts particularly. The answer in every such case shall be duly verified. And if any person verifying such answer shall whifully misstate any matter or facts in the verification, he shall be guilty of the crime of perjury, and the judge or court before whom such action or proceeding is tried shall have the power to require the answer or verification to be made more full and particular, and in default thereof to strike out the same. On any such trial the burden shall be on any person claiming that such lands or interests are exempt from taxation to show that the railroad company to which they were granted had not sold or transferred such lands or any estate or interest therein, at or prior to the time when such tax was levied or assessed. The assessment or levy of such tax shall be prima facie evidence of its legality, and the lands or interests taxed were subject to taxation at the time such tax was levied.

Sec. 5. It shall be proper for the proper assessing officer or officers of any county or subdivision of the state in which any of the lands referred to in this act lie, for the year one thousand eight hundred and eighty-seven (1887), and any subsequent year during which the question of the taxability of such lands or interests are exempt from taxation for any rea be incumbent on and necessary for

sand eight hundred and eighty-seven (1887), and any subsequent year during which the question of the taxability of such lands or interests may be in litigation, in fixing the rate for assessment or taxation in such county or subdivision of the state, to fix such rates so as to raise the sum required to be raised for any general or special purpose as if the lands or interests referred to in this act were not taxed for such year, and so that the tax or sum levied on the other property of such county or subdivision of the state shall be sufficient to meet all sums to be raised by tax for that year.

Provided, That the lands or interests in this act referred to shall be assessed and taxed as other property in such county or subdivision of the state, and shall be collected as such taxes.

SEC. 6. If any railroad company shall issue any land stock or special stock bond, or any certificate, contract or writing conveying, granting or giving to the holder thereof any interest, estate, right or title in or to any lands held by said company and exempted from taxation as said company and exempted from taxation as aforesaid, and shall fail within sixty days after said company and exempted from taxation as aforesaid, and shall fall within sixty days after the issuance of such certificate, stock, contract or writing to report the same to the land commissioner or auditor of this state; or, if having heretofore issued such contract, special stock bond, certificate or writing, shall fail to report the same within sixty (60) days after the passage of this act, the failure so to report shall be held to be and to operate as a forfeiture by said company of its corporate franchises and privileges, and the attorney general of the state shall at once proceed against said company to have its charter and franchises declared forfeited.

SEC. 7. In all cases where any railroad lands referred to in this act have been sold prior to the 1st day of January, 1887, to actual settlers who use the same for farm purposes, and who bought the same in good faith from any railroad company, under the belief that the same were free from taxes at the time of their purchase, all taxes for which said lands might be liable prior to such purchase shall not be a lien upon said lands.

SEC 8. This act shall take effect and he in

ands. SEC. 8. This act shall take effect and be in

AN ACT to define the liabilities of railroad con.-AN ACT to define the liabilities of railroad conpanies in relation to damages sustained by
their employees.
Be it enacted by the Legislature of the State of
Minnesota:
SECTION 1. Every railroad corporation owning or operating a railroad in this state shall be
liable for all damages sustained by any agent or
servant thereof by reason of the negligence of
any other agent or servant thereof—without contributory negligence on his part, when sustained within this state; and,no contract, rule or
regulation between such corporation and any
agent or servant shall impair or diminish such
liability.
Provided, That nothing in this act shall be so
construed as to render any railroad company liaconstrued as to render any railroad company lia-ble for damages sustained by any employee, agent or servant while engaged in the construc-tion of a new road or any part thereof, not open

6. AN ACT for the taxation of railroad companies. Be it enacted by the Legislature of the State of Minnesota: SECTION 1. Any railroad company, owning or operating, or watch may hereafter own or oper-ate, any line or lines of railroad in this state

SEC. 2. This act shall take effect and be in