

CHAPTER 334.

[Published March 11, 1875.]

AN ACT to amend chapter two hundred and seventy-three (273), laws of 1874, entitled, "An act relating to railroads, express and telegraph companies in the state of Wisconsin.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4, chapter 273, of the general laws of 1874, is hereby amended to read as follows; Amended.
 Section 4. No individual, company or corporation owning, operating, managing or leasing any railroad or part of a railroad, designated in section one as class "A" or "B," shall charge for or receive a greater or higher rate for carrying articles named in the several special classes herein designated, than is hereinafter provided namely: Limitation of charges.

Class D. Not exceeding six cents per 100 pounds for the first twenty-five miles, and not exceeding one and six-tenths mills per hundred pounds, per mile, for the distance actually carried, for the second twenty-five miles; and not exceeding three cents per hundred pounds for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall be one and one-half cents per hundred pounds for said fractional part, and not exceeding two cents per hundred pounds for each additional twenty-five miles or fractional part thereof, unless the fraction shall be less than thirteen miles, in which case the rate shall be one cent for said fractional part, unless the whole distance be over two hundred miles, when no greater rate than one-half cent per 100 pounds shall be received for each twenty-five miles over said first two hundred miles. Rates for class D.

Class E. Not exceeding twelve cents per barrel for the first twenty-five miles, and not exceeding three and two-tenths mills per barrel per mile for the second twenty-five miles, and not exceeding six cents per barrel for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed three cents per barrel for said fractional part, and for each additional twenty-five miles a sum not exceeding four cents per barrel for each twenty-five miles or Rates for class E.

fractional part thereof, unless the fraction be less than thirteen miles, in which case rate shall not exceed two cents per barrel for such fractional part, unless the whole distance be over two hundred miles, when no greater rate than one cent per barrel shall be charged for each additional twenty-five miles over said two hundred miles.

Rates for class F. Class F. Not exceeding fifteen cents per barrel for the first twenty-five miles, and not exceeding two and four-tenths mills per barrel per mile for the distance actually carried for the second twenty-five miles, and not exceeding five cents per barrel for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two and one-half cents per barrel for such fractional part.

Rates for class G. Class G. Not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding twenty cents per mile per car load for the distance actually carried for the second twenty-five miles, and not exceeding three dollars per car load for the third twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one and one-half dollars per car load for such fractional part thereof, and for each additional twenty-five miles or fractional part thereof not exceeding two dollars per car load, unless the fractional part be less than thirteen miles, in which case the rate shall not exceed one dollar per car load for such fractional part thereof.

Rates for class H. Class H. Not exceeding ten dollars per car load for the first twenty-five miles, and not exceeding twenty-eight cents per mile per car load for the distance actually carried for the second twenty-five miles, and not exceeding four and one-half dollars per car load for each additional twenty-five miles, or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two dollars and twenty-five cents per car load for such fractional part.

Rates for class I. Class I. Not exceeding twelve dollars per car load for the first twenty-five miles, and not exceeding thirty-two cents per car load per mile for the second twenty-five miles, for the distance actually carried, and not exceeding five dollars per car load for each additional twenty-five miles or fractional part thereof, unless the fraction shall be less than thirteen miles, in which case the rate shall not exceed two

dollars and fifty cents per car load for such fractional part.

Class J. Not exceeding eight dollars per car load for the first twenty-five miles, and not exceeding twenty-four cents per car load per mile for the distance actually carried, for the second twenty-five miles, and not exceeding three and one-half dollars per car load for the third twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed two dollars for such fractional part; and for each additional twenty-five miles not to exceed two and one-half dollars per car load for such twenty-five miles or fractional part thereof, unless the fraction be less than thirteen miles, in which case the rate shall not exceed one dollar and twenty-five cents per car load for such fractional part.

J. Rates for class

SECTION 2. Section 5, of said chapter 273, of the laws of 1874, is hereby amended by adding thereto the following, viz: And when freights shall so pass

Amended.

from one railroad to another, the amount received for such transportation shall be divided between the companies rendering such service, in such proportion as the officers thereof may agree upon. In case

Transfer of freights from one road to another.

the officers of such corporation shall not agree as to such division, then each of said corporations shall choose an impartial person familiar with railroad management, and the persons thus chosen shall choose one or more to join them in order to make an odd number, and the written award of the persons thus selected shall be conclusive and binding upon all parties. In case either of said railroad companies or corporations shall neglect or refuse to select such referee, then upon application of the other party or parties any court of record in this state may appoint such referee.

In case officers of roads can not agree as to division, to be settled by arbitration.

SECTION 3. Section 6, of said chapter 273, is hereby amended by striking out of the ninth line in said section, the words "agent of any," and by inserting in the eleventh line of said section, after the word "state," the following: "and every officer, agent or employe thereof who shall unreasonably refuse to furnish to any person cars to be loaded with freights for transportation over their respective roads, or shall discriminate against any person in furnishing such cars," so that said section shall read as follows: Section 6. In no instance shall any such individual, company or corporation, lessee or other per-

Amended.

Penalty for violation of act.

son, charge or receive any greater rate of compensation for carrying freight or passengers than is hereinbefore provided, and any individual, company or corporation violating or in any way evading the provisions of this act shall forfeit all right to recover or receive any compensation whatever for the service rendered wherein such violation is attempted, and every such corporation, lessee or other individual operating any railroad within this state, and every officer, agent and employe thereof who shall unreasonably refuse to furnish to any person cars to be loaded with freight for transportation over their respective roads, or shall discriminate against any person in furnishing such cars, or who shall refuse to receive for transportation over the road for which he is agent, in the usual way, any of the articles hereinbefore mentioned on account of the compensation hereinbefore prescribed being too low, or receiving any article of freight shall charge or attempt to charge for the transportation of the same any greater sum than herein fixed, or shall in any manner violate or attempt to violate or evade the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine not exceeding two hundred dollars for each and every offense, and the injured party shall have a right of action against said agent or against the railroad company or other persons operating the railroad, or both, in which he shall be entitled to recover three times the amount taken or received from him in excess of the rates prescribed by this act.

Right of action of injured party against agent or company.

Amended.

Duty of corporation to receive and forward freights.

In case freights are to pass over other roads.

SECTION 4. Chapter 273, of the act aforesaid, is hereby amended by adding to said chapter the following, to be known as section 19. Every company, corporation, lessee or individual owning, operating, managing or leasing any railroad or part of railroad in this state, shall receive and forward, in the usual manner, all articles and freights delivered to them or either of them for transportation over their respective roads. And in all cases when such articles or freights will pass over any other railroad or part of railroad to reach the point of destination, the company, corporation or individual receiving the same shall deliver the same to such other road. If in carloads, then such delivery shall be in the same cars without unloading; and if in quantities less than a car-load, then such delivery shall be in the usual course of business, as the same has been practiced by

said roads respectively previous to the year 1874. And all railroad companies and other persons operating any railroad or railroads within this state shall provide and maintain at all places where their respective roads are intersected by another railroad, connecting tracts by which cars may be transferred from one road to the other, except when the crossing roads shall be of different gauge, and in all cases such companies or persons shall provide and maintain at or near the place of crossing, conveniences for the transfer of freights from one road to the other; and all such companies and persons operating any railroad shall receive for shipment and forward as directed, with all convenient dispatch, all transportable articles of freight which are commonly transported by rail, offered to them for shipment, and deliver the same to consignee or the next connecting carrier, as the case may be; and for the purpose of facilitating the transportation of freights, every railroad company or other person operating any railroad within this state, are hereby required to receive at junctions and places of crossing other roads of the same gauge, loaded or empty cars, and forward without delay to their destination. Advance payment of freights shall not be required as a condition precedent to carriage, except in case of perishable articles and freights of little value. Any individual, lessee, company or corporation, violating or in any manner evading the provisions, or either of the provisions of this section, shall forfeit all right to recover or receive any compensation for the service rendered, wherein such violation is attempted or accomplished, and every agent, clerk or employe of any such corporation, company, lessee, or other individual, operating any such railroad or part of railroad, who shall refuse or neglect, when requested, to receive for transportation over the road for which he may be acting or to forward in the usual manner, any of the articles or freights mentioned in this chapter, on account of the charges or rates not being paid in advance, or on account of the same having to pass from one railroad to another, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine not exceeding two hundred dollars for each and every such offense, and the injured party shall have a right of action against such agent, clerk or employe, or against the said company, corporation or individual owning, operating or managing said road, or both, in which action the said injured party shall be

Conveniences for transfer of freights at junctions to be provided.

All transportable articles of freight to be received for shipment.

Cars to be received and forwarded at junctions.

Advance payment not to be required except in certain cases

Penalty for violation.

Right of action of person injured.

entitled to recover treble the amount of all damages which he shall sustain by reason of any such neglect, refusal or evasion.

Amended.

Connection to be made at junctions.

Duty of railroad commissioners to cause connections to be made.

Penalty for refusal to make connection.

Section re-numbered.

When act to take effect.

SECTION 5. Said chapter 273 is further amended by adding thereto the following to be known as section 20: Wheresoever two or more railroads approach, connect with or cross each other at a point, or points of general travel in this state, it shall be the duty of the companies or individuals operating such roads to make close running connections at such points [so] as to accommodate the traveling public, and in case they fail to do so the said railroad commissioners shall examine into the matter, and, if they shall think proper, give notice to such companies, to present to said commissioners the reasons for not making such running connections, and if no good and sufficient reasons satisfactory to said commissioners shall be given for failing to make such connections, it shall be the duty of such commissioners or a majority of them to order such connections to be made as in their judgment shall be just and such as shall accommodate the traveling public; and shall cause a copy of such order to be served on each of said companies, and if the said companies or individuals operating said roads or either of them shall neglect or refuse to comply with such order for more than one week after the service thereof, the company or individual so neglecting or refusing to comply with said order shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be subject to a fine of one hundred dollars for each and every day they shall so neglect or refuse.

SECTION 6. Section nineteen of chapter two hundred and seventy-three aforesaid, shall hereafter be known and designated as section twenty-one of this chapter.

SECTION 7. This act shall take effect and be in force from and after its passage and publication; *provided*, that no offense committed, and no penalty, forfeiture or damages receive [incurred] or sustained, and no action or right of action which has already accrued, shall be affected by the provisions of this act; and no prosecution for any offense, or the recovery of any penalty, forfeiture or damages, or the enforcement of any right now pending, shall be affected by the provisions of this act; but the same shall proceed to trial, hearing and final judgment in the same manner and

to the same purpose and effect as though the statute upon which the same is or shall be founded was contained [continued] in full force, virtue and effect to the time of such trial, hearing and final judgment.

Approved March 5, 1875.

CHAPTER 335.

[Published March 23, 1875.]

AN ACT to amend chapter one hundred and eighty-five (185), of the general laws of 1874, entitled, "An act to amend chapter one hundred and three (103), of the general laws of 1873, entitled, 'an act authorizing the formation of town insurance companies,'" approved March 23, 1872, and the act amendatory thereto, approved March 17, 1873.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two (2), of chapter one hundred and eighty-five (185), of the general laws of eighteen hundred and seventy-four (1874), is hereby repealed, and section three (3), of chapter two hundred and fifteen (215), of the general laws of eighteen hundred and seventy-three (1873), is hereby restored, the same to be and read as follows: Section three (3). Section ten (10) of said chapter is hereby amended so as to read as follows: No company founded under this act shall insure any property out of the town or towns in which the said company is located, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while on the premises, or running at large, and hay and grain in the bin or stack; *provided, however*, that if the majority of the directors of such company deem it proper to insure school houses and churches, and the furniture in said school houses and churches, it shall be lawful for them to insure the same, not to exceed fifteen hundred dollars (\$1,500) in any one risk, but they shall not insure any property within the limits of any incorporated village or city in this state.

Repealed.

Restored.

Restrictions as to location and class. of property to be insured.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.