

CHAPTER LXXXV.

[H. B. No. 93.]

RAILROAD FREIGHT RATES.

AN ACT regulating and fixing maximum railroad freight rates in the State of Washington, and providing a penalty for violation thereof.

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

Rates on
wheat, barley
and other
products.

SECTION 1. No individual, company or corporation owning, operating, managing or leasing any railroad or part of a railroad in this state, shall charge for or receive a greater or higher rate for carrying wheat, barley, flour, flaxseed, rye or other mill stuffs, oats, potatoes or hay, than eighty-five per centum of the rates existing for carrying said articles or commodities on the third day of January, 1893: *Provided*, That no greater rate than four and 75-100 dollars per ton shall be charged for carrying the articles or commodities hereinbefore enumerated in carload lots for a haul of five hundred miles or less.

Proviso.

SEC. 2. The maximum rates of freight on all railroads in this state other than on those articles or commodities enumerated in section one of this act shall be the rates that were in existence on the third day of January, 1893: *Provided*, That this section shall not apply in respect to rates that were in existence at the date last named, made in competition with transportation wholly or partly by water.

SEC. 3. Any individual, company or corporation owning, operating, managing or leasing any railroad in this state feeling that the rates established by sections one and two of this act are unreasonably low, shall have recourse to courts of competent jurisdiction, which shall grant such relief as may appear just and reasonable.

Maximum
rates.

SEC. 4. The maximum rates of freights on all railroads constructed in this state after the third day of January, 1893, or whose rates of freight may be established after the third day of January, A. D. 1893, shall be fixed as near in conformity with sections one and two of this act as may be or as is practicable.

SEC. 5. In no instance shall any individual, company or corporation, lessee or other person, charge or receive any greater rate of compensation for carrying freight on any railroad or railroads in this state than hereinbefore provided, and any individual, company or corporation violating or in any way evading the provisions of this act, shall forfeit all ^{Penalty.} right to recover or receive any compensation whatever for the services rendered wherein such violation is attempted, and every agent of such corporation, lessee or other individual operating any railroad within this state who shall refuse to receive for transportation over the railroad for which he is agent, in the usual way, any of the articles hereinbefore mentioned on account of the compensation hereintofore prescribed being too low, or receiving any such articles of freight, shall charge or attempt to charge for the transportation of the same any greater sum than herein allowed, or shall in any manner violate or evade the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not exceeding five hundred dollars for each and every offense, and the injured party shall have the right of action against the railroad company or other person operating the railroad, or both, in which he shall be entitled to recover the amount taken or received from him in excess of the rates prescribed by this act, together with attorney's fees and cost of suit, and in all prosecutions for violation of this act by any person, company or corporation, such person, company or corporation making the complaint is authorized to sue in any court of competent jurisdiction in this state.

Approved March 9, 1893.