October 30, 1912

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for a car or cars stating therein the character of freight to be shipped and 45 destination such makened comproshall furnish same within four days (Sundays and legal holidays excepted) from 7 a.m. of the day following the receipt of the application. For a viola-tion of this rule the railroad company at fault shall within thirty days after the demand in writing is made there-for, pay to the shipper so offended the sum of one dollar per car per day or fraction of a day, after expiration of free time, during which such violation continues."

Rule 10. "Whenever freight of any character, proper for transportation, whether in carload quantities or less, is tendered to a railroad company at its tendered to a railroad company at its customary place for receiving shipments and correct instructions given such railroad company shall immediately re-ceive the same and issue bills of lading therefor. And when a shipment is thus received the same must be carried for-ward at a rate of not less than fifty miles per day of twenty-four hours, computed from 7 a.m. of the day fol-lowing the receipt of shipment. For failure to so receive or transport shipments as hereinbefore provided for.

shipments as hereinbefore provided for, the railroad company, at fault shall within thirty days after demand in writing is inade therefor pay to the shipper so offended or other party whose interest is affected thereby the sum of one dollar per car on carload shipments and one cent per hundred pounds sub-ject to a minimum of five cents and less than carload shipments for each day or fraction thereof that the terms of this rule are not complied with."

#### Kansas

Section 238. "When the cars are Section 238. "When the cars are applied for under the provisions of this chapter, if they are not furnished the railroad companies so failing to furnish them shall pay to the party or parties so applying for them the sum of five dollars per day for each car failed to be furnished as exemplary damages to be recovered in any court of competent invisition and all actual damages jurisdiction and all actual damages that such applicant may sustain for each car failed to be furnished together with reasonable attorney fees to be re-covered in any court of competent juris-diction; but nothing in this act shall in any way affect the right or remedy of any shipper or other person as the same may exist at common law or under any statute to recover on account of failure, delay or refusal to furnish cars nor to exempt in anywise any such railroad company from an" of the pro-visions of the railroad laws of this state or from any of the obligations imposed upon railroad companies and common carriers by the common law.'' Section 240 provides that after freight has been received it must be transported towards its destination ''at

the rate of not less than fifty miles per day of twenty four hours. This shall not be construed to authorize such fifty miles per day as a proper and legal rate of speed for the transportation of live stock and perishable freight nor release the railroad from any liability for their negligence in failing to handle such shipment at a prompt and reason-able rate of speed. And for failure to receive and transport such shipment within the time prescribed the railroad company so offending shall pay to the shipper the sum of five dollars per day. release the railroad from any liability Sundays excepted or fraction thereof on all carload freight and five cents per hundred pounds per day or frac-tion thereof on freight in less than carloads.'

#### South Carolina

Section 2. "For other than perish-Section 2. "For other than perish-able freights the railroad company ap-plied to by any shipper for a car or cars shall furnish same properly placed for being loaded to points in the State of South Carolina within four days from twelve o'eloek M. next day after such application." Section 3. Gives only three days for

placing cars for perishable freights. Section 5. "For each day or fraction of a day's delay after the expira tion of a day's deny after the expira-tion of free time the road offending shall forfeit and pay to the shippe: the sum of one dollar per car per day. Any shipper, consignee or owner to avail himself of the benefits of any forfeiture provided for in these rules must make his application in writing and to facilitate the making of such application the several railroads of the state shall pro-

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have written us expressing their appreciation of the many valuable suggestions given in our "NEW 1912 EDITION OF DATA FOR GRAIN SHIPPERS." Have you received one? If not, ask us to mail one to you. We are sure you will find it of value.

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