



N. P. 352  
6-24

# NORTHERN PACIFIC RAILWAY COMPANY

## STANDARD FORM FOR PRESENTATION OF OVERCHARGE CLAIMS.

Approved by the

Interstate Commerce Commission Dec. 2, 1913.

National Industrial Traffic League

Railway Accounting Officers Association

(Claimant's Number) \$

(Name of person to whom claim is presented)

(Address of Claimant)

(Carrier's Number)

(Name of carrier)

(Date)

(Address)

This claim for \$ (Amount of claim) is made against the carrier named above by (Name of claimant)

for Overcharge in connection with the following described shipments:

Description of shipment

Name and address of consignor (shipper)

Shipped from (City, town or station), To (City, town or station)

Final Destination (City, town or station) Routed via

Bill of Lading issued by Co., Date of Bill of Lading

Paid Freight Bill (Pre) Number; Original Car Number and Initial

Name and address of consignee (Whom shipped to)

If shipment reconsigned enroute, state particulars:

Nature of Overcharge (Weight, rate or classification, etc.)

### DETAILED STATEMENT OF CLAIM

Note.—If claim covers more than one item taking different rates and classification, attach separate statement showing how overcharge is determined and insert totals in space below.

	NO. OF PKGS.	ARTICLES	WEIGHT	RATE	CHARGES	AMOUNT OF OVERCHARGE
CHARGES PAID						
		TOTAL				
SHOULD HAVE BEEN:						
		TOTAL				

Authority for rate or classification claimed. Give, so far as practicable, Tariff reference (I. C. C. number, effective date and page or item).

### IN ADDITION TO THE INFORMATION GIVEN ABOVE, THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS CLAIM.\*

- ( ) 1. Original paid freight ("expense") bill.
- ( ) 2. Original invoice, or certified copy, when claim is based on weight or valuation, or when shipment has been improperly described.
- ( ) 3. Original bill of lading, if not previously surrendered to carrier, when shipment was prepaid, or when claim is based on misrouting or valuation.
- ( ) 4. Weight certificate or certified statement when claim is based on weight.
- 5. Other particulars obtainable in proof of Overcharge claimed: †

Remarks

The foregoing statement of facts is hereby certified to as correct.

(Signature of Claimant)

\*Claimant should assign to each claim a number, inserting same in the space provided at the upper right hand corner of this form. Reference should be made thereto in all correspondence pertaining to this claim.

\*Claimant will please place check (x) before such of the documents mentioned as have been attached, and explain under "Remarks" the absence of any of the documents called for in connection with this claim. When for any reason it is impossible for claimant to produce original bill of lading, if required, or paid freight bill, claimant should indemnify carrier or carriers against duplicate claim supported by original documents.

†Claims for overcharge on shipments of lumber should also be supported by a statement of the number of feet, dimensions, kind of lumber, and length of time on sticks before being shipped.

Claims based on rates quoted in letters from traffic officials should be supported by the original or copies of such letters.





## NORTHERN PACIFIC RAILWAY COMPANY

### TO CLAIMANTS:

Persons presenting claims to a carrier will expedite settlement by furnishing the carrier with a complete and detailed statement of all pertinent facts tending to establish the validity of their claims. It is the desire of carriers to settle promptly all valid claims, and the frank and hearty co-operation of the claimant is therefore solicited. Delayed settlement of claims is frequently due to the failure of the claimant to furnish carrier with the necessary information and documents with which to make investigation and establish liability promptly. It should be borne in mind that carriers under the terms of the Act to Regulate Commerce are required to thoroughly investigate each claim before payment. Claimants should therefore, in every case furnish the carrier, as far as possible, with the information and documents called for on the other side of this form, even though there may be instances when it appears to the claimant that the information called for is more than necessary to establish the validity of the claim. There are claims, e. g., for concealed loss and damage, in connection with which it may be necessary to call for additional information from the claimant before making settlement.

Claimants are requested to make use of this form for filing claims with carriers. Claims may be filed with the carrier's agent either at the point of origin or destination of shipment, or direct with the Claim Department of the carrier, and will be considered properly presented only when the information and documents called for on the other side of this form have, as far as possible, been supplied. A duplicate copy thereof should be preserved by the claimant.

Claimants should read carefully the information appearing below.

AUDITOR FREIGHT ACCOUNTS.

### IMPORTANT INFORMATION TO CLAIMANTS RESPECTING OVERCHARGE CLAIMS

Before presenting a claim on account of overcharge, the following important information respecting claims should be given careful consideration:

1. The terms under which property is accepted and transported by a carrier are stated on the bill of lading issued by the carrier; also in tariffs and classifications issued or subscribed to by the carrier. Persons intending to file claims should, before doing so, examine the terms and conditions under which property was accepted and transported. If any part of the shipment in question was subject to the Regulations for the Transportation of Explosives and Other Dangerous Articles, prescribed by the Interstate Commerce Commission, pursuant to Acts of Congress, the person filing the claim should know that all of these regulations applicable to the shipment had been complied with.

2. Carriers and their agents are bound by the provisions of law, and any deviation therefrom by the payment of claims before the facts and measure of legal liability are established will render them, as well as the claimant, liable to the fines and penalties by law. Attention is called to the following extract from Interstate Commerce Commission Conference Ruling No. 68:

"It is not the proper practice for railroad companies to adjust claims immediately on presentation and without investigation. The fact that shippers may give bond to secure repayment in case, upon subsequent examination, the claims prove to have been improperly adjusted, does not justify the practice."

3. Pending the settlement of any dispute or disagreement between the consignee and the carrier as to questions of overcharge in connection with property transported, the consignee may avoid a possible accrual of demurrage or storage charges, as well as loss or damage, by promptly accepting the property from the carrier. Such action on his part in no way affects any valid claim which may exist against the carrier.

4. Under the provision of the 6th section of the Act to Regulate Commerce, it is unlawful for a carrier to charge or demand or collect or receive, any greater or less or different compensation for the transportation of property than the rates and charges named in tariffs lawfully on file, nor to refund or remit in any manner or by any device any portion of the rates and charges so specified. The refund or remission of any portion of the rates and charges so specified based on the ground that the carrier has computed its charges on excessive weight or wrong classification is as much a violation of the law as is a direct concession or departure from the published rates and charges.

In this connection, attention is also called to the following important quotation from section 10 of the Act to Regulate Commerce:

"Any common carrier subject to the provisions of this Act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense."

"Any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to the provisions of this Act, or for whom, as consignor or consignee, any such carrier shall transport property, who shall knowingly and willfully, directly or indirectly, himself or by employee, agent, officer, or otherwise, by false billing, false classification, false weighing, false representation of the contents of the package or the substance of the property, false report of weight, false statement, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent, or officer, obtain or attempt to obtain transportation for such property at less than the regular rates then established and in force on the line of transportation; or who shall knowingly and willfully, directly or indirectly, himself or by employee, agent, officer, or otherwise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent, or to contain any false, fictitious, or fraudulent statement or entry, obtain or attempt to obtain any allowance, refund, or payment for damage or otherwise in connection with or growing out of the transportation of or agreement to transport such property, whether with or without the consent or connivance of the carrier, whereby the compensation of such carrier for such transportation, either before or after payment, shall in fact be made less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction, within the district in which such offense was wholly or in part committed, be subject for each offense to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court: Provided, That the penalty of imprisonment shall not apply to artificial persons."