

RAILROADS.

CHAPTER 127.

[H. B. 80.]

STEALING RIDES UPON CARS.

AN ACT to Suppress and Punish Trespassing and Stealing Rides Upon Cars, Engines and Trains, and Authorizing Trainmen to Arrest and Prosecute Offenders Against This Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. UNLAWFUL TO STEAL RIDES.] It shall be, and is hereby declared unlawful for any person to enter upon, ride upon, or secure passage upon a railroad car or engine of any description other than a car commonly used exclusively for the carriage of passengers, with intent thereby to obtain a ride without payment therefor or fraudulently obtain carriage upon any such engine or car.

§ 2. RAILWAY EMPLOYEES EXCEPTED.] It shall be, and is hereby declared unlawful for any person, excepting railway employes in the performance of their duty, to take passage or ride upon, or enter for the purpose of taking passage or riding upon the trucks, rods, brakebeams or any part of any car, locomotive engine or tender, not ordinarily and customarily used or intended for the resting place of a person riding upon and operating the same.

§ 3. FINE AND IMPRISONMENT.] Any person violating any of the provisions of this act shall be punished by imprisonment in the county jail for not less than ten days nor more than thirty days at hard labor, or by a fine of not less than ten dollars nor more than seventy-five dollars.

§ 4. EMPLOYEES MADE PEACE OFFICERS.] All conductors, engineers, brakemen and other persons engaged or employed in the operation of cars and trains upon a railroad, are hereby constituted peace officers for the one purpose of enforcing the provisions of this act: and all such persons are hereby given full authority, when so engaged or employed, to arrest any person violating any of the provisions of this act.

§ 5. MAY DELIVER PRISONERS TO SHERIFF.] Every person arrested by a conductor, brakeman or other person exercising authority conferred by this act, must be thereafter proceeded with in all respects as is or may be required by the law in cases of arrests made by other peace officers of the state, except that any person hereby authorized to make arrests under this act, may cause the

person so arrested by him to be delivered to any sheriff or other peace officer within the state to be dealt with as provided by law; and the person so arrested may be taken before any magistrate of the county where the offense is committed.

§ 6. HOW CONSTRUED.] Nothing in this act contained shall be construed to restrict, in any way, any right, authority or privilege conferred by law, upon any other peace officer of the state within his lawful jurisdiction.

§ 7. NO FEES ALLOWED.] No person authorized by the provisions of this act to make arrests, except regular peace officers of the state, shall receive or be allowed any fees or expenses for so doing.

§ 8. EMERGENCY.] Whereas, there is no law in force on this subject, therefore, an emergency exists; and this act shall be in force and effect from and after its passage and approval.

Approved February 27, 1899.

CHAPTER 128.

[H. B. 150.]

BUILDING OF PLATFORMS.

AN ACT to Amend Section 3062 of the Revised Codes of 1895, Relating to the Building of Platforms by Railroad Companies for the Transfer of Live Stock, Grain and Other Commodities from Wagons or Otherwise to Cars, Prescribing the Duties of the Railroad Commissioners in Regard Thereto and the Notice of the Necessity of Such Platforms to be Served Upon Railroad Companies Together with the Manner of Making Service of Notices or Orders of Said Commissioners.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 3062 of the Revised Codes of 1895 be and the same are hereby amended to read as follows:

§ 3062. RAILROADS TO BUILD PLATFORMS.] Every railroad company doing business in this state shall within sixty days after notice from the commissioners of railroads erect one or more platforms for the transfer of live stock, grain and other commodities from wagons or otherwise to cars at each and every station or siding designated in such notice; such platforms to be erected so as not to endanger life and property. If any railroad company after receiving notice as provided for in this section shall fail, refuse or neglect to erect platforms as required by this and the following section within the required sixty days the commissioners of railroads are authorized and empowered and it is made their duty to notify such railroad company to appear before them at a certain time and place and show cause, if any there is, why such commissioners should not issue an order requiring such railroad company to

comply with the requirements of this section. The commissioners of railroads shall have power after such hearing to issue an order upon such railroad company commanding it to erect such platforms, if the commissioners shall upon such examination and hearing deem such platform necessary.

Any notice required to be served upon any railroad company to carry out any of the provisions of this section or similar provisions relating to the enlarging of such platforms may be served upon any agent of said company within the State of North Dakota.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the procedure required to put in operation the provisions of the foregoing section would consume such time as to render the provisions of said section unavailable for the season of shipping grain of 1899; therefore, this law shall be in force and effect on and after its passage and approval.

Approved March 8, 1899.

CHAPTER 129.

[H. B. 42.]

LIABILITY OF RAILROADS.

AN ACT Fixing the Liability of Railroad Companies and Corporations Owning and Operating a Railroad for Injuries Sustained by its Employes from the Negligent Acts of Co-employes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LIABILITY FOR DAMAGES.] Every railroad corporation owning or operating a railroad in this state shall be liable for all damages sustained by any agent or servant thereof while engaged in switching or in the operation of trains 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. In actions brought under the provisions of this act, if the jury find for the plaintiff they shall specify in their verdict the name or names of the employe or employes guilty of the negligent act complained of.

Provided, that nothing in this act shall be so construed as to render any railroad company liable for damages sustained by any employe, agent or servant while engaged in the construction of a new road, or any part thereof, not open to public travel or use.

§ 2. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no law in this state fixing the liability of railroad companies or corporations owning and operating a railroad for injuries caused

to employes thereof by the negligent acts of other employes thereof; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1899.

RAILROAD COMMISSIONERS.

CHAPTER 130.

[H. B. 177.]

MAINTAINING A "Y."

AN ACT to Amend Section 3067 of the Revised Codes of 1895, Providing for the Constructing and Maintaining of a Y and Other Tracks to Connect Railroad Lines, Defining the Duties of Railroad Commissioners in Relation Thereto and Prescribing the Manner of Enforcing the Orders of Such Commissioners by Proper Courts.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 3067 of the Revised Codes of North Dakota be amended and re-enacted so as to read as follows:

§ 3067. In all cases where any line of railroad shall cross or intersect any other line of railroad in this state on the same grade, it shall be the duty of each of the railroad companies owning or operating such intersecting railroad lines to provide at such crossing or intersection, when deemed necessary by the board of railroad commissioners, suitable and sufficient facilities, such as building Y or other tracks and connections for transferring cars and traffic of all kinds, and classes or cars from one such line of railroad to another, and to maintain the same and afford equal and reasonable facilities for the interchange of cars and traffic between the respective lines, the expense of constructing and maintaining such Y or track to be borne equally by each such railroad companies, or in such proportion as they may agree upon, but in case either or both of said companies fail, neglect or refuse to provide such facilities after notice as provided in section 3068, it shall be the duty of the board of railroad commissioners in the name of the State of North Dakota to commence an action in any court of competent jurisdiction to compel such company or companies to provide such facilities; which action shall be commenced and prosecuted for the enforcement of the order and notice of said commissioners in accordance with the provisions of chapter 115 of the laws passed at the Fifth legislative assembly of the State of North Dakota, relating to the enforcement of the orders of such commissioners.

Approved March 8, 1899.