

RAILROADS.

CHAPTER 143.

[H. B. No. 145—Leech.]

LONG AND SHORT HAULS.

AN ACT to Amend Section 3023 of the Revised Codes, Relating to Long and Short Hauls Upon Railroads and Common Carriers.

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

§ 1. AMENDMENT.] Section 3023 of the revised codes is hereby amended to read as follows :

§ 3023. LONG AND SHORT HAULS.] It shall be unlawful for any railroads, railroad corporations or common carriers, subject to the provisions of this article, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of a like kind of freight or property, for a shorter than for a longer distance over its railroads, all or any portion of the shorter haul being included within the longer ; and said railroads, railroad corporations or common carriers shall charge no more for transporting passengers or freight to or from any point on its railroads than a fair and just rate as compared with the price it charges for the same kind of transportation to or from any other point ; provided, that all the provisions of this section shall apply to the transportation of passengers and all kinds of freight and property shipped and transported over one or more connecting lines ; provided, further, that such connecting lines shall transfer car lots without extra compensation, and shall transfer less than car lots at actual cost for such transfer ; and provided, further, that rates shall be made and published by such connecting lines for such continuous shipment upon demand of any shipper or shippers and that such rates so made by two or more connecting lines shall be no greater in the aggregate than the rate would be if shipped continuously upon one line of road.

§ 2. EMERGENCY.] Whereas, an emergency exists in this, that railroad corporations and common carriers are discriminating against shippers within this state on shipments made on two or more connecting lines, and as it is therefore necessary to provide against the same by law, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1903.

CHAPTER 144.

[S. B. No. 201—McDonald.]

REGULATING TRANSPORTATION OF LIVE STOCK.

AN ACT Defining the Duty of Railroads, Railroad Corporations, Railroad Companies, Express Companies, Car Companies and Every Common Carrier Other Than by Water, and All the Person or Persons Operating Such Common Carriers, as Receivers, Lessee or Trustee, in the Transportation of Any Kind of Live Stock, and Providing an Average Minimum Rate of Speed of all Trains Carrying any Such Live Stock, and Providing Penalties for all Failures to Comply With the Provisions of This Act.

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

§ 1. MINIMUM SPEED TO BE MAINTAINED.] It shall be the duty of every railroad, railroad corporation, railway company, express company, car company and of every common carrier other than by water, by whatever name it may be called or by whomsoever operated and which is wholly or in part engaged in the transportation of any kind of live stock by railroad within or to or from any point in this state, to transport any and all such live stock so by it being transported, with the utmost diligence, and to maintain within this state in all trains so transporting any such live stock an average minimum rate of speed of not less than twenty miles per hour from the time any such live stock is loaded upon or into its cars until such train reaches its destination, deducting only in the computation of such average minimum rate of speed such reasonable time as any such live stock may be necessarily delayed in unloading to feed, water and rest and in feeding, watering and resting and in reloading.

§ 2. PENALTY FOR VIOLATION.] Every railroad, railroad corporation, railway company, express company, car company or common carrier other than by water, and the person or persons operating such common carrier as receiver, lessee or trustee violating any of the provisions of section 1 of this act, shall be liable to the owner or owners of any live stock so being transported, in the sum of five dollars per car for each and every hour any car, wholly or in part loaded with any live stock, is detained beyond the time provided in said section 1 of this act, and, in addition thereto, every such railroad, railroad corporation, railroad company, express company, car company or common carrier, or the person or persons operating any such common carrier as receiver, lessee or trustee, shall be liable to such owner or owners of said live stock for all damages sustained on account of any such delay, to be collected in an action by such owner or owners in any court of competent jurisdiction in this state.

§ 3. REPEAL.] All acts and parts of acts in any way conflicting with this act are hereby repealed.

Approved March 19, 1903.

CHAPTER 145.

[S. B. No. 72—Hagen.]

PROHIBITING DISCRIMINATION IN GRAIN SHIPMENT.

AN ACT to Amend Section 3068 of the Revised Codes of the State of North Dakota for 1899.

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

§ 1. AMENDMENT.] Section 3068 of the revised codes of 1899, is hereby amended to read as follows:

§ 3068. GRAIN TO BE SHIPPED WITHOUT DISCRIMINATION.] Any railroad company doing business in this state, when requested by any person wishing to ship grain on its road, shall receive and transport such grain in bulk, and permit the same to be loaded either on its track adjacent to its depot, or at any warehouse or sidetrack at any station or siding without discrimination or distinction as to the manner or condition in which such grain is offered for transportation, or as to person, corporation, warehouse, elevator or place where, or to which it may be consigned and shall receive the same in carload lots from wagons, sleighs or other vehicles on its sidetrack at any station the same as when offered from warehouses or elevators, allowing forty-eight hours' time for loading all cars, which time shall be held to embrace such time as car to be loaded is placed and kept by such railroad company in a convenient and proper place for loading; and it shall not be held a proper place for loading unless such car can be reached by teams or other suitable means of conveying property, after the same have been loaded, whether at sidetrack, elevator, warehouse or depot, without unnecessary delay proceed to ship the same to the place where the same is consigned.

Approved March 2, 1903.

CHAPTER 146.

[S. B. No. 155—Swenson.]

MAXIMUM COAL RATES.

AN ACT to Amend Section 30711 of the Revised Codes of the State of North Dakota for 1899, Relating to Maximum Coal Rates.

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

§ 1. AMENDMENT.] That section 30711 of the revised codes of 1899 be, and the same is hereby amended to read as follows:

§ 30711. MAXIMUM COAL RATE.] All railroad companies doing business as common carriers within the state of North Dakota shall not charge for the transportation of coal within said state a greater rate per ton than the following:

For the first five miles or fractional part thereof, thirty cents per ton.

For any distance over five miles and not to exceed fifteen miles, forty cents per ton.

For any distance over fifteen miles and not to exceed twenty-five miles, fifty cents per ton.

For any distance over twenty-five miles and not to exceed forty miles, sixty cents per ton.

For any distance over forty miles and not to exceed sixty miles, seventy cents per ton.

For any distance over sixty miles and not to exceed one hundred miles, seventy-five cents per ton.

For any distance over one hundred miles and not to exceed one hundred and fifty miles, eighty cents per ton.

For any distance over one hundred and fifty miles and not to exceed two hundred miles, ninety cents per ton.

For any distance over two hundred miles and not to exceed two hundred fifty miles, one dollar per ton.

For any distance over two hundred fifty miles and not to exceed three hundred miles, one dollar and ten cents per ton.

For any distance over three hundred miles and not to exceed three hundred fifty miles, one dollar and twenty cents per ton.

For any distance over three hundred fifty miles and not to exceed four hundred miles, one dollar and twenty-five cents per ton.

For any distance over four hundred miles and not to exceed four hundred fifty miles, one dollar and thirty cents per ton.

For any distance over four hundred fifty miles and not to exceed five hundred miles, one dollar and thirty-five cents per ton.

Provided, that the above mentioned rates shall be for carload lots only.

Approved March 10, 1903.

S. L.—13

CHAPTER 147.

[S. B. No. 114—Regan.]

MAINTENANCE OF STATION HOUSES.

AN ACT to Amend Chapter 179 of the Session Laws of 1901, Relating to the Maintenance of Station Houses.

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

§ 1. AMENDMENT.] That section 2985 of the revised codes of 1899 be amended so as to read as follows:

§ 2985. WHEN STATION HOUSE TO BE MAINTAINED.] Every railroad corporation in the state shall build a station house and keep a station agent twelve months each year at all its sidings where there is grain and merchandise of any description to be shipped, the freight on which amounts to fifteen thousand dollars or more in any one year, and the receipts of incoming freight shall amount to four thousand dollars per annum, or more.

§ 2. EMERGENCY.] Whereas, an emergency exists in that many railroad stations have been closed, to the great detriment of business and inconvenience of a large number of citizens, therefore, this act shall take effect and be in full force upon its passage and approval.

Approved March 5, 1903.

CHAPTER 148.

[S. B. No. 144—Lavayea.]

RAILWAY TRAINS TO STOP AT CROSSINGS.

AN ACT to Amend Section 2977 of the Revised Codes of 1899, Relating to Stopping of Trains Before Crossing Other Railroads or Drawbridges.

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

§ 1. AMENDMENT.] Section 2977 of the revised codes of 1899, relating to stopping of trains before crossing other railroads or drawbridges, is hereby amended so as to read as follows:

§ 2977. TRAINS MUST STOP BEFORE CROSSING OTHER RAILROADS OR DRAW BRIDGES. EXCEPTION. WHEN.] Every train of cars, and every locomotive about to cross the track of another railroad, shall come to a full stop before arriving at, or crossing the track of such other, and within four hundred feet thereof; and the train or locomotive arriving near such crossing first, shall cross and move on first; and every such train or locomotive shall also come to a full stop be-

fore crossing or running upon any draw bridge over a stream which is regularly navigated by vessels during the season when such stream is so used for navigation, and the use of such draw is necessary for the passage of boats, vessels and other crafts, navigating the waters of such stream, at a distance from such bridge of not more than six hundred feet; provided, that no such stop need be made before crossing such draw bridge or railroad crossing of railroads operated by the same company, if at the time an employe of the company shall be standing on such bridge or crossing with a proper light by night, or flag by day, and signal such train to proceed; provided, however, that in case any two railroads which cross each other, or in any way connect at a common grade, shall by any works or fixtures to be erected and maintained by them, or either of them, render it safe to pass over said crossings without stopping, and such work or fixtures shall first be approved by the commissioners of railroads of this state, and the plan of such works or fixtures for such crossing, designating the place of such crossing, shall be filed with the said commissioners of railroads; then in that case the foregoing provisions of this section requiring the stoppage of trains at such railroad crossings shall not apply; but if said commissioners of railroads shall disapprove such plan, or fail to approve the same within twenty days after the filing thereof with them, such railroad companies, or either of them, may apply in the county where such crossing is situated, to the judge of the district court in and for said county, either in term or vacation, by a petition in writing, setting forth the object of said application, and said court or judge shall thereupon appoint a time and place for the hearing of said petition, and a copy of the order appointing such time and place, together with a copy of said petition, shall be served upon the commissioners of railroads at least ten days before the day appointed for such hearing; and the said district court or any judge thereof, either in term time or vacation, shall have full power upon the hearing of said petition, to grant the prayer thereof, or to make such other order thereon as may be proper in the premises.

Approved March 10, 1903.