

RAILROADS

CHAPTER 190.

[H. B. No. 83—Moen, of Benson]

DINKEY CABOOSES PROHIBITED.

AN ACT to Prohibit the Use of Four Wheel Caboose, Known as Dinkey Caboose, on All Railroad Trains Operated in the State of North Dakota, to Prevent the Use of Box Cars as Caboose and to Fix the Minimum Size and Manner of Construction of All Cars Used as Caboose and Fixing the Penalties for Violation of This Act.

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

§ 1. UNLAWFUL TO USE.] On and after the first day of July, 1910, it should be unlawful for any person, corporation or company operating any railroad or railway in this state to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms and shall be provided with a door in each end thereof and with suitable cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two four-wheel trucks.

§ 2. PENALTY.] Any person, corporation or company operating any railroad or railway in the state violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

Approved March 16, 1909.

CHAPTER 191.

[S. B. No. 167—Crane]

RAILROAD CROSSINGS.

AN ACT Amending Section 4298 of the Revised Codes of 1905, Relating to Crossings When Land on Both Sides of Railroad is Owned by One Person, and Providing Penalties for the Violation of the Provisions of This Act.

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

§ 4298. CROSSINGS OVER RAILROADS. PENALTY FOR FAILURE TO PROVIDE.] When any person owns land on both sides of any rail-

way the corporation or individual owning or operating such railway shall, when requested to do so in writing, make and keep in good repair a proper cattle guard and cause-way or other adequate means of crossing such railway at such reasonable place or places as may be designated by the land owner or his agent; provided, that the type of all cattle guards required by law to be constructed in this state shall, before being installed, be approved by the commissioners of railroads. The owner or person in possession of the land through which the railroad passes may recover, of the person or corporation operating such railroad, the sum of twenty-five dollars for every thirty days of default on the part of the person or corporation operating the railroad, after written demand served on an officer, road-master or section foreman of the operating company has designated the place for the erection of the cattle guarded crossings or the road crossing requested, and a like penalty for failure to keep such cattle guards, or road crossings, in good repair, after written notice has been served upon the operating company that such repairs are necessary.

Approved March 13, 1909.

CHAPTER 192.

[S. B. No. 109—Palmer]

REMOVING LOADED CARS FROM SIDETRACKS.

AN ACT Providing for the Removal of Cars From Spurs and Sidetracks of Railroads That Have Been Loaded for Shipment, for Billing the Same by Common Carriers and Providing Penalties for Failure to Do So.

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

§ 1. LOADED CARS MUST BE REMOVED. NOTICE REQUIRED.] Whenever any car shall be loaded with any kind of grain for shipment on any spur or sidetrack of any railroad in this state of North Dakota, it shall be the duty of such railroad or common carrier within forty-eight hours from the time of receiving written notice that said car is ready to be billed for shipment, giving in such notice the name of the consignee, the consignor, the number of the car and the place where the same stands and the place to which car is to be shipped, which notice shall be given to the station agent of the station nearest the place where said car is located on the line of road over which said car is to be shipped, bill said car or cars as provided in said notice and mail to the shipper a shipping bill thereof directed to the postoffice address given in such notice, and to remove said car or cars from the said side track or spur where the same has been loaded for shipment.

§ 2. PENALTY.] Every railroad or common carrier who neglects or fails to comply with the provisions of this act shall be liable to the owner of the grain mentioned in section one of this act in the sum of fifty dollars for each twenty-four hours that shall elapse after the time mentioned in this act for billing and removing from said spur or sidetrack, to be collected in a civil action in the name of the owner of such grain.

§ 3. CARRIER LIABLE FOR LOSS.] Should any of the grain mentioned in section one of this act be stolen or destroyed at any time after the giving of the notice in this act provided for, the common carrier to whom such notice shall have been given, shall be liable to the owner of such grain for any loss so occasioned and for any loss caused by fire, to be recovered in a civil action in the name of the owner of such grains.

Approved March 11, 1909.

CHAPTER 193.

[H. B. No. 204—Nyhus]

BLOCKING RAILROAD CROSSINGS.

AN ACT Prohibiting the Blocking or Obstructing of Railroad Crossings on Rural Highways or on Village or City Streets by Railroad Companies or Their Employes by Allowing Cars, Engines or Train of Cars to Stand on Such Crossings for a Longer Period Than Ten Minutes at Any One Time, and Providing Penalties for Violations of This Act.

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

§ 1. UNLAWFUL TO BLOCK OR OBSTRUCT CROSSINGS.] Any railroad company, conductor, brakeman, engineer, switchman or other employe of any railroad company, in charge of or in control of any railroad car, cars, engines or train of cars, who shall, for a period of more than fifteen minutes at any one time, obstruct or block any railroad crossing or any rural highway or on any village or city street by placing thereon or permitting any car, cars, engines or train of cars to stand or remain stationary on any such crossings, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than ten dollars or more than fifty dollars for each offense.

§ 2. EXCEPTION.] The provisions of this act do not apply to cities, towns or villages that have or may have ordinances covering the same.

Approved March 16, 1909.