

loaves and not otherwise. Bread, when sold, shall, upon the request of the buyer, be weighed in his presence and if found deficient in weight additional bread shall be delivered to make up the legal weight, except that this section shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound. Provided, every loaf, half loaf, quarter loaf or other loaf of bread which does not weigh the full legal weight required by this section when plainly labeled with the exact weight thereof, shall not be deemed in violation of the provisions of this act.

§ 4. PENALTY FOR SO DOING.] Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and for the first offense shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and the necessary costs, and for the second and each subsequent offense he shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or ninety (90) days in jail or both at the discretion of the court.

Approved March 3, 1911.

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## RAILROADS

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### CHAPTER 237.

[S. B. No. 70—Martin]

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#### SHIPMENT OF LIVE STOCK.

AN ACT Regulating and Governing Contracts Relative to the Shipment of Live Stock, and Giving Notice or Claim for Loss or Damage Thereto.

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

§ 1. Any provision, stipulation or condition in any shipping contract, bill of lading or other agreement hereafter made or entered into by or between any common carrier and the owner or shipper of any shipment of live stock, providing that written or verbal notice of loss, injury or damage thereto or of claim therefor, shall be made or given to any common carrier or to any agent or officer of any common carrier or to any other person within any period less than thirty days from the date of the occurrence of any such loss, injury or damage, shall be void and of no effect.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in full force from and after its passage and approval.

Approved February 11, 1911.

## CHAPTER 238.

[S. B. No. 22—Walton]

## SANITARY ROOMS IN RAILROAD STATIONS.

AN ACT Requiring Railroad Companies to Provide Suitable and Sanitary Rooms in Railroad Station Waiting Rooms, or in Places Adjacent Thereto.

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

§ 1. RAILROAD COMPANIES TO MAINTAIN TOILET ROOM IN CERTAIN CASES. POWER OF RAILROAD COMMISSIONERS.] The board of railroad commissioners of this state is hereby authorized and empowered to order all railroad companies operating within this state to provide or cause to be provided, suitable toilet rooms for each sex in every railroad station waiting room located on its lines in this state where a sewerage system is maintained within three hundred feet of such station waiting rooms.

Provided, that in case there is no sewerage, or water system, maintained where such station waiting rooms are located, then and in such case suitable closets, or privies for each sex shall be maintained in a clean and sanitary condition within a reasonable and convenient distance of said station waiting rooms, and that said waiting room floors shall be washed or scrubbed at least once a week with some standard disinfectant and such waiting rooms shall at all times be maintained in a comfortable and sanitary condition.

§ 2. PENALTY.] Any railroad company maintaining waiting rooms at their stations in this state who shall fail to comply with any order of the board of railroad commissioners, under this law, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars (\$100.00) and cost of prosecution.

Approved February 11, 1911.

## CHAPTER 239.

[S. B. No. 48—Gronvold]

## SAFETY DEVICES BY RAILROAD COMPANIES.

AN ACT To Compel Railroad Companies to Establish and Maintain Gates, Flagmen or other Safety Devices in Villages or Cities upon the Order of the Railroad Commissioners.

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

§ 1. COMPLAINT.] Upon written complaint authorized by a majority vote of all the members of the city council being filed

with the railroad commissioners of this state by the chief executive officer of any village or city in the state of North Dakota on its behalf, that the crossing of any railroad company, naming it, with any street in said village or city, describing it as dangerous to life and property and giving the reason thereof, said railroad commissioners shall forthwith investigate the same, and to that end shall have at least one (1) public hearing in the village or city making such complaint, at a time to be fixed by said commissioners, and a place to be held upon notice to be given by said railroad commissioners to all parties interested, and shall be held in not less than thirty (30) nor more than sixty (60) days after the date of filing of such complaint.

§ 2. FINDINGS,—HOW CERTIFIED.] Within ten (10) days after such public hearing said commissioners, by a majority vote of the members thereof, shall decide the matter set forth in said complaint, and shall make a report in writing in respect thereto, which shall include the findings of fact which the conclusions of the commissioners are based upon, together with the recommendation of said commissioners as to what kind of safety device, if any, should be installed at said crossing to make the same safe to life and property. Said findings shall be in writing and signed by the members of said commission in favor thereof, and shall be filed with the secretary of said commission and entered for record in his office. If said commission shall find in favor of further protection for said crossing it shall issue an order to the railroad company named in said petition directing said railroad company within sixty (60) days after such order to establish and thereafter maintain, at such crossings such gates, flagmen or safety devices as such commission may therein direct, and such as will render such crossing safe to life and property. Service of such order shall be made upon any railroad company in the same manner as a summons in a civil action is served.

§ 3. ORDER.] Whenever any such order is made such railroad company may appeal therefrom in the same manner as appeals are allowed to be taken from orders made by said commission fixing rates of railroad companies, and where no appeal is taken the order of the commission may be enforced by the attorney general the same as orders relating to the control of railroads.

§ 4. APPEAL.] In addition to the foregoing, any railroad company failing to comply with the order of said commission if not appealed from as hereinbefore provided, or if appealed from and confirmed on appeal shall be liable to a penalty of fifty dollars (\$50) per day for each and every day that said railroad company does not so conform to said order, to be recovered as damages in a civil action by and for the benefit of the village or city making such complaint.

§ 5. FLAGMAN.] Whenever it shall appear that owing to any

construction work or repair work, or for any other cause an unusual number of trains are being operated in or through any village or city in this state, the state railroad commissioners shall have the power, upon complaint by any village or city council through its chief executive officer to compel the installation of a flagman or flagmen, as the case may be, without a hearing, and such order shall be complied with within five days, provided, that such railroad companies may remove such flagmen whenever the movement of trains through such village or cities assumes its normal conditions.

Approved March 3, 1911.

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## CHAPTER 240.

[S. B. No. 114—Gibbons]

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### DUTIES OF RAILROAD COMMISSIONERS.

AN ACT to Enlarge the Powers and Duties of the Board of Railroad Commissioners, Making an Appropriation, and Providing for License Fees of Grain Warehouses to be Covered Into the General Fund.

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

§ 1. DUTIES OF RAILROAD COMMISSIONERS.] It shall be the duty of the board of railroad commissioners to adjust all claims for overcharges and losses in freight, freight charges or fares, when it has jurisdiction over the carrier where the loss or overcharge took place, whenever it is requested to do so by a resident or shipper of this state. It shall have authority to fix reasonable penalties for neglect or failure on the part of the carrier to adjust such overcharges or losses within a reasonable time.

§ 2. INVESTIGATION OF INTERSTATE RATES.] It is hereby made the duty of the board of railroad commissioners to exercise constant diligence in informing themselves of the rates, charges, rules and practices of common carriers engaged in the transportation of freight, express and passengers and in the transmission of messages or intelligence, from points in this state to points beyond its limits, and from points in other states to points in this state, also in territory wholly outside of this state, and whenever it shall come to the knowledge of the board of railroad commissioners either from their own investigation or by complaint made to them in any manner whatsoever that the rates charged by any common carrier on interstate business are unjust or unreasonable or that such rates, rules or practices discriminate unjustly against the citizens, industries or interests of this state or place any of the citizens, industries or interests of this state, at an unreasonable disadvantage, as compared

with those of other states, or are levied or laid in violation of the act to regulate commerce, or in conflict with the rulings, orders or regulations of the interstate commerce commission, it shall be the duty of the board of railroad commissioners to immediately call the attention of the officials of such common carriers operating in this state to the fact, and to urge upon them the propriety of changing such rate or rates, rules or practices. Whenever such rates, rules or practices are not changed or adjusted so as to remove or remedy such discrimination within a reasonable time, it shall be the duty of the board of railroad commissioners, whenever it can legally be done, to present the facts involved in such discrimination to the interstate commerce commission and appeal to it for relief and thereafter, if deemed necessary, by said board of railroad commissioners, the attorney general, with such other assistance as is now provided by law, shall prosecute any charge or charges growing out of any such discrimination.

§ 3. BRANCH LINE SCHEDULES.] The commission shall have power and authority to regulate time schedules on branch lines of railroad companies and compel train connections of competing lines at junction points whenever practicable.

§ 4. ASSISTANCE PROVIDED FOR.] The commission shall have authority to employ stenographers, rate experts and such other employees as may be deemed necessary in the discharge of its several duties.

§ 5. APPROPRIATION.] There is hereby appropriated annually the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary to pay the necessary traveling and other expenses of the board of railroad commissioners, and the salaries and expenses of their agents and employees. All moneys which shall come into the state treasury on account of licenses of public grain warehouses shall be credited to the general fund of the state, out of which the expenses of the board of railroad commissioners, and the salaries and expenses of their agents and employees, shall be paid as now provided by law,

§ 6. EMERGENCY.] Whereas, an emergency exists, this act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1911.

## CHAPTER 241.

[S. B. No. 257—Duis]

## RELATING TO URBAN ELECTRIC RAILWAYS.

AN ACT to Amend Chapter 212 of the Session Laws of 1907, Relating to Urban Electric Railways.

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

§ 1. GRANTED RIGHT OF CONDEMNATION.] That section 1 of chapter 212 of the Session Laws of 1907 be re-enacted and amended to read as follows:

§ 1. Urban electric railways are hereby specifically granted and given the same rights, privileges and powers granted and given to steam railways in this state, including the right of organization and of condemnation of real property for right of way; provided, that when they shall exercise the right of eminent domain they shall become subject to the laws, rules and regulations governing other public corporations having the right of eminent domain; provided, further, that no person, firm or corporation shall hereafter construct any electric railway on any street of any city that is now or hereafter may be incorporated under the general laws of this state, without first securing and filing in the office of the city auditor of such city the consent in writing of the owners of at least one-half of the property abutting on both sides of such street for the full length of such proposed construction.

Approved Mar. 3, 1911.

## CHAPTER 242.

[H. B. No. 82—Englund]

## CONSTRUCTION OF TRANSFER FACILITIES.

AN ACT to Amend Section 4392 of the Revised Codes of the State of North Dakota for 1905, as amended by Chapter 211 of the Session Laws of North Dakota, 1907, and Repealing Sections 4393 and 4394 of the Revised Codes of 1905, Relating to the Construction of Transfer Facilities at Railroad Crossings, also Providing for the Application of a Short Rate in the Absence of "Y's," and providing for a Penalty for the Violation Thereof.

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

§ 1. AMENDMENT.] That section 4392 of the Revised Codes of the state of North Dakota for 1905 and the acts amendatory thereof be and the same are hereby amended to read as follows:

§ 4392. CONSTRUCT "Y's".] In all cases where any line of railroad shall cross or intersect any other line of railroad at grade in this state, 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, suitable and sufficient transfer facilities, such as waiting rooms, and "Y's," 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 transfer facilities to be borne equally by each of such railroad companies, or in such proportions as they may agree upon, or as may be determined by the board of railroad commissioners on joint hearing.

§ 2. It shall be the duty of all railroad companies to bill all freight over the shortest and cheapest route to its destination, but in the absence of a "Y" or other facilities for transferring to a connecting line over the shortest route, such freight may, at the option of the receiving railroad company, be delivered to the connecting line at some other convenient point, but in such cases the same tariff shall be applied by each railroad as if shipped over the shortest route.

§ 3. Upon failure of any railroad company to comply with either of the preceding sections, it shall be the duty of the board of railroad commissioners to serve a notice upon the said railroad companies setting a time and place for a joint hearing not less than twenty nor more than thirty days from the date of service of such notice, and if, on such hearing had, the board of railroad commissioners shall deem it necessary and expedient, they shall enter an order directing such railroad companies to at once construct such transfer facilities, including waiting rooms or "Y" tracks, and the board of railroad commissioners is hereby empowered to do any and all acts necessary to the carrying into effect of the provisions of the preceding sections, including power to determine, on joint hearing, after notice to such intersecting railroad companies as above provided for, the question of the necessity for said transfer facilities also to determine the probable expense and location thereof and all matters relating thereto. Said board may determine the total expense and the just and proper proportion to be borne by each of said intersecting railroads for the erection and maintenance of said transfer facilities, if said railroad companies cannot agree thereon. For such purpose the board of railroad commissioners shall have full authority to view the site, subpoena witnesses, compel attendance and take testimony, all costs and expenses of such proceeding to be paid by such railroad companies against which the proceeding is had.

Provided, that if one intersecting railroad company shall comply with the provisions of this act and construct one-half of such transfer facilities as determined by the said board of railroad commissioners, the said board shall proceed against the railroad company in default in the same manner as herein provided. Provided, further that no railroad company shall be compelled to put in such transfer facilities between the first day of December, and the first day of April, when it cannot be done without grading.

§ 4. In the event of the failure to comply within sixty days after the date of service of said order, the said railroad companies shall be subject to a fine of twenty-five dollars each for each day during which they shall fail to comply with the provisions therein, or in the event of a greater charge than the rate for the short haul, the shipper or consignee may recover the overcharge, together with all cost in a civil action against the railroad companies making such overcharge, and it shall be the duty of the state's attorney in the county where such shipper or consignee may reside, to commence and prosecute or the attorney general may commence and prosecute all actions necessary for the enforcement of this act, and the recovery of such overcharges, costs or penalties.

§ 5. All acts or parts of acts in conflict with the provisions of this act including sections 4393, 4394, Revised Codes of 1905 are hereby repealed.

§ 6. EMERGENCY.] Whereas, an emergency exists in that the public can be better served by the construction of such transfer facilities at once, therefore this act shall be in force from and after its adoption.

Approved February 18, 1911.

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## CHAPTER 243.

[H. B. No. 44—Fraine]

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### TRACK FROM ELEVATOR TO RAILROAD.

AN ACT to Amend Sections 4381 and 4383 of the Revised Codes of the State of North Dakota for 1905, Relating to Track from Elevator to Railroad.

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

§ 1. AMENDMENT.] Sections 4381 and 4383 of the Revised Codes of 1905 relating to railroad corporations are amended as follows:

§ 4381. TRACK FROM ELEVATOR TO RAILROAD.] It shall be lawful for the owner of any elevator, warehouse, or mill at any



station on the line or at the termination of any railroad in the state to construct from such elevator, warehouse or mill a grade suitable for a sidetrack, to the track of any railroad company and such railroad company shall furnish ties, rails and all necessary connections, and shall lay on such grade a track to connect with the main or side track by switch, when so ordered by the railroad commissioners, and shall charge to and collect from the owner of such elevator, warehouse or mill the actual cost of all material and labor used in the laying of such sidetrack and the owner of such elevator, warehouse or mill shall, upon demand of such railroad company, deposit cash in advance the amount estimated to cover the cost of such labor and material. Such side-track and switch shall be the property of the owner of such elevator, warehouse or mill but shall at all times be under the control and management of and kept in repairs by such railroad company; provided that the party for whose benefit such side-track and switch shall be constructed shall pay to such railroad company the actual cost of maintaining such side-track and switch, which payment shall be made monthly and in case such payment shall not be made as provided then the obligation of this section upon such railroad company shall cease and be inoperative as against it until such cost and expense are fully paid. Provided that the side-track described in this section shall not exceed 2,500 feet in length and the switch where connection is made with the side-track shall come within the yard limits of the station.

§ 4383. PENALTY.] Any neglect or refusal to comply with any part of the provisions of the last two sections within fifteen days after being requested in writing by the person operating the elevator, warehouse, mill or coal mine or by the commissioner of railroads shall subject such railroad company to a forfeiture of fifty dollars per day for each and every day such railroad company shall neglect or refuse to comply with the provisions of the last two sections, to be recovered by the persons affected by such neglect or refusal; provided that no railroad company shall be compelled to put in a side-track between the fifteenth day of November and the fifteenth day of May of any year when it cannot be done without grading.

Approved March 3, 1911.

## CHAPTER 244.

[H. B. No. 217—Knox]

REFUNDING LICENSE FEE OF PUBLIC GRAIN WAREHOUSES.  
AN ACT Authorizing the Board of Railroad Commissioners to Refund License  
Fee of Public Grain Warehouses.

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

§ 1. REFUND OF LICENSE FEE OF PUBLIC GRAIN WAREHOUSES  
AUTHORIZED.] The board of railroad commissioners are hereby  
authorized to refund the license fee of a public grain warehouse,  
or so much thereof as in their judgment would be just and  
reasonable when satisfactory proof is furnished said board that  
such warehouse or elevator has been transferred to some other  
person, firm or corporation, and application is made by the new  
owner for a license for the same warehouse or elevator, for the  
same biennial period for which the original license was issued.  
Provided, that where a warehouse or elevator is destroyed by  
fire or other cause, the license fee may be pro-rated in such amount  
as the board of railroad commissioners may determine.

Approved March 3, 1911.

## CHAPTER 245.

[H. B. No. 273—Lageson]

SIZE AND CONSTRUCTION OF CABOOSE CARS.  
AN ACT to Amend Sections 1 and 2, Chapter 190, Session Laws of 1909,  
Regulating the Size and Construction of Caboose Cars to be Used on  
Freight Trains in This State.

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

§ 1. TO WHOM THIS ACT SHALL APPLY.] The provisions of this  
act shall apply to any railroad corporation, or any person or  
persons while engaged as common carriers in the transportation  
of passengers or property within this state to which the regula-  
tive power of this state extends.

§ 2. WHEN TO TAKE EFFECT, HOW CONSTRUCTED.] That from  
and after the first day of June, 1914, it shall be unlawful, except  
as otherwise provided in this act, for any such common carrier  
by railroad to use on its lines any caboose car or other car used  
for like purposes unless such caboose or other car shall be at  
least twenty-four feet in length exclusive of the platform and  
equipped with two four wheeled trucks, and said caboose car

or other car shall be of constructive strength equal to that of the thirty-ton capacity freight cars constructed according to M. C. B. standards, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guard rails, and with grab irons and steps for safety of the persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from said steps.

§ 3. REPAIRS HOW MADE.] Whenever any caboose cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carrier within this state, unless it be equipped as provided in section 2 of this act.

§ 4. EXTENSIONS, HOW GRANTED.] That the state railroad commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act; provided, that in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

§ 5. PENALTY.] Any common carrier as provided in section 1 of this act, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense.

Approved March 3, 1911.

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## CHAPTER 246.

[H. B. No. 307—DeNault]

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### EXECUTION AND RECORDING OF CONVEYANCES BY RAILROAD COMPANIES.

AN ACT to Amend Section 4277 of the Revised Codes of North Dakota for the Year 1905, Relating to the Execution and Recording of Conveyances by Railroad Companies.

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

§ 1. AMENDMENT.] That section 4277 of the Revised Codes of North Dakota for 1905 be and the same is hereby amended and re-enacted so as to read as follows:

§ 4277. CONVEYANCES, ETC., HOW EXECUTED AND RECORDED.] Every conveyance or lease, deed of trust, mortgage or satisfaction thereof made by any railroad corporation of any fran-

chises, real estate, fixtures or other real property in pursuance of law, shall be executed and acknowledged in the manner in which conveyance of real estate by corporations is required to be to entitle the same to be recorded and shall be recorded in the office of the secretary of state who shall endorse thereon his certificate thereof, specifying the day and hour of its reception and the volume and page where recorded, which shall be evidence of such facts. Every such record of any such instrument shall from the time of reception have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds may have by law as to property in his county and shall be notice of the rights and interests of the grantee, lessee, or mortgagee by such instruments to the same extent as if it was recorded in each and all of the several counties in which any property therein described may be situated. And provided, further, that every conveyance or lease, deed of trust or mortgage thus made which covers any real property other than that used by said railroad company as right of way for its railroad, shall likewise be recorded in the office of register of deeds for each and every county wherein such real estate or any part thereof is situated; and provided further that such conveyance, lease, deed of trust or mortgage shall not operate as a conveyance of, or as creating any lien upon, any such real estate other than railroad right of way, until such instrument has been duly recorded in the office of the register of deeds of the county in which the same is situated.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas an emergency exists in that the present law permits a railway company to mortgage and convey real estate of all kinds without recording the mortgage or conveyance in the office of the register of deeds in the county in which the real estate affected is situated, this act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1911.

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## CHAPTER 247.

[H. B. No. 317—Johns]

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### DISINFECTION OF PUBLIC VEHICLES.

AN ACT to Prevent the Spread of Contagious Diseases and Sanitary Regulation of Coaches, Cars, and Steam Boats in This State.

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

§ 1. VEHICLES TO BE DISINFECTED, WHEN.] It shall be unlawful for any person, firm, corporation or association engaged in

the business of transporting passengers in or through this state in any car, coach, or boat, for the purpose of carrying or transporting passengers therein, unless such car, coach, or boat shall have been adequately disinfected according to modern scientific rules for the prevention of the spread of contagious diseases, not more than thirty days from the date of the use of such car, coach, or boat in this state.

§ 2. DUTY OF CARRIER.] It shall be the duty of every such person, firm, corporation, or association to keep posted in each and every car, coach, or boat used in this state for the transportation of passengers for hire, a printed placard and notice which shall contain and show the time and place when such car, coach, or boat was last disinfected.

§ 3. PENALTY.] Any violation of this act shall constitute a misdemeanor and subject the offending person, firm, corporation or association to not more than \$100 for each violation thereof.

Approved March 3, 1911.

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## CHAPTER 248.

[H. B. No. 221—Martin of Morton]

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LIABILITY OF RAILROAD COMPANIES FOR DAMAGES FROM FIRE.  
AN ACT to Amend and Re-Enact Section 4303 of the Revised Codes of 1905, Relating to Liability of Railroad Companies for Damages for Fire Escaping From Railroad Cars and Engines, and Repeal Section 4304 of Said Codes.

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

§ 1. That section 4303 of the Revised Codes of North Dakota of 1905 be, and the same is hereby amended and re-enacted to read as follows:

§ 4303. LIABILITY FOR DAMAGES FROM FIRE.] All railroad companies or corporations operating or running cars or steam engines over roads in this state shall be liable to any party aggrieved for all damages resulting from fire escaping or being scattered or thrown from said cars or engines; provided, that such railroad company or corporation shall not be liable for said damages when the same results from the default or negligence of the party injured.

§ 2. That section 4304 of the Revised Codes of North Dakota, of 1905, be and the same is hereby repealed.

Approved March 3, 1911.

## CHAPTER 249.

[H. B. No. 201—Fraine]

**RAILROAD AND TELEPHONE COMPANIES TO FILE INFORMATION.**  
AN ACT Providing that Railroad and Telephone Companies File with the County Auditor, Maps Showing Exact Location of Their Lines in Each Assessment District and School District and the Mileage of Said Lines and Description of Any Other Property Owned in Said District, and Make Report to State Auditor and State Board of Equalization, and Providing Penalties for Violations of this Act.

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

§ 1. RAILROAD AND TELEPHONE COMPANIES SHALL FILE MAPS AND INFORMATION.] That each railroad company and each telephone company located and doing business in this state, file in the office of the county auditor of each county a map showing:

First. The exact location of such companies' lines, and showing on which side of section and other lines, its property is located in each assessment district and school district in each county.

Second. A description of any other property owned by said companies in each assessment district and school district in each county.

Third. Telephone companies to show separately the number of miles of poles and of each kind of wire and the number of telephone instruments in each assessment district and school district.

§ 2. COUNTY MAP, AUDITOR TO SEND.] The county auditor of each county in the state shall, each year, on or before the first day of March, mail to each railroad or telephone company, doing business in his county, an accurate map of the county, showing the boundaries of each assessment district and school district.

§ 3. INFORMATION TO BE FILED.] Every railroad company and every telephone company shall on or before the fifteenth day of February, in each year, file in the office of the county auditor, of each county in the state, in which said companies' lines are located, the name of its company, the principal place of doing business, the names of its president, secretary and treasurer, together with their post office address.

§ 4. COUNTY AUDITOR TO REPORT TO STATE AUDITOR.] The county auditor of each county shall, on or before the first day of June, in each year, report to the state auditor, the names of all such companies so filing reports and their officers and such other information as may be required by the state auditor.

§ 5. COMPANY SHALL REPORT TO STATE AUDITOR.] Each of said companies, shall on or before July first and at any other time, in each year, report to the state auditor, such information in

regard to its mileage and other property owned in the state, as such state auditor or the state board of equalization shall require.

§ 6. MAPS WHEN FILED.] Every such company located or doing business in the state at the date of the approval of this act, shall immediately on receipt of the maps referred to in section 2 of this act, furnish complete and full information required by this act. In subsequent years said companies need only file maps showing any changes that have been made since the report of the previous year.

§ 7. DUTIES OF COMPANIES ORGANIZED.] All railroad and telephone companies, locating in and commencing and doing business in this state, after the passage of this act, must file reports with the county auditor, state auditor and state board of equalization as required of companies now located and doing business in the state.

§ 8. DUTY OF COUNTY AND STATE OFFICERS.] In case the said companies or any of them fail to make the reports herein provided for, the county auditor, state auditor or state board of equalization are hereby authorized, and it is hereby made the duty of said officers and board to procure such information, and report the expense in detail of procuring said information, to the state's attorney of his county or the attorney general of the state, whose duty it shall be to collect same by civil action as provided in section 9 of this act.

§ 9. PENALTY.] Every railroad or telephone company which neglects or fails to comply with the provisions of this act shall be liable to fine of not more than \$500.00, or less than \$50.00 and shall also be liable for the expense incurred by said officers or board in procuring the information in any other manner than provided herein, to be collected in a civil action in the name of the state.

§ 10. EMERGENCY.] Whereas, an emergency exists, in that there is no provision under the present law requiring railroad and telephone companies to make the reports required by this act, this act shall be in force and take effect upon its passage and approval.

Approved March 6, 1911.

## CHAPTER 250.

[H. B. No. 444—Streeter]

## REQUIRING EMIGRANTS TO FILE TAX RECEIPTS.

AN ACT to Require the Shipper of Emigrant Movables and Live Stock to Deposit with the Agent of the Transportation Company Paid Tax Receipt for the Fiscal Year in which such Shipment is offered for Transportation.

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

§ 1. SHIPMENT OF EMIGRANT MOVABLES. TAX RECEIPT REQUIRED.] That it shall be the duty of the agent of any transportation company, or common carrier within and operating in the state of North Dakota, to require of the shipper of, or person, or persons, offering for shipment any emigrant movables, live stock or household goods, in weight more than 1000 pounds, that the party or parties offering such shipment for transportation shall before the same is received for shipment deposit with the agent of such transportation company the paid tax receipt for the current year in which such shipment is offered for transportation.

§ 2. EMERGENCY.] Whereas, there now being no law by which shipments of emigrant movables and live stock on which taxes are due, can be prevented, this act shall be in effect from and after its approval.

Approved March 6, 1911.

## CHAPTER 251.

[H. B. No. 31—Christenson]

## FILING OF BONDS.

AN ACT to Amend Section 2247 of the Revised Codes of 1905, Relating to the Filing of Bonds by Public Warehouses.

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

§ 1. That section 2247 be amended to read as follows:

§ 2247. BOND TO BE FILED.] The proprietor, lessee, or manager of any public warehouse, elevator or flour mill or any individual buying or shipping grain for profit in this state and who does not pay cash in advance for the grain so bought shall file with the commissioner of railroads a bond to the state with good and sufficient sureties to be approved by such commissioners



in the penal sum of not less than five thousand nor more than seventy-five thousand dollars, in the discretion of the commissioners, conditioned for the faithful performance of their duties as public warehousemen and a compliance with all the laws of this state in relation thereto. One bond only need be given for any line of elevators, mills or warehouses owned, controlled or operated by one individual, firm or corporation. Such bond, specifying the location of each elevator, mill or warehouse operated by such individual, firm or corporation, shall be in sufficient amount to protect the holders of outstanding tickets.

Approved March 6, 1911.

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## CHAPTER 252.

[H. B. No. 385—Englund]

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### RAILROADS TO MAINTAIN TELEPHONE CONNECTIONS.

AN ACT to Require Railroad Companies to Provide Telephone Connections With Their Offices in Towns, Cities and Villages in This State, Where There is a Local Telephone Exchange, and Providing Penalty for Violation Thereof.

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

§ 1. RAILROADS TO MAINTAIN TELEPHONE CONNECTION.] Every railroad corporation or common carrier shall provide, furnish and maintain in all of their freight and ticket offices in all towns, cities and villages in this state, where there is a local telephone exchange and where such service is available, reasonable and adequate telephone connections for the use and benefit of its patrons.

§ 2. PENALTY.] Any railroad corporation or common carrier violating the provisions of this act shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense, and it shall be the duty of the state's attorney upon orders from the railroad commissioners or upon complaint of any citizen, to commence and prosecute all actions necessary for the enforcement of this act.

Approved March 6, 1911.

## CHAPTER 253.

[H. B. No. 120—Fritz]

## STOP PASSENGER TRAINS AT COUNTY SEATS.

AN ACT Requiring Railroad Companies to Stop All Regular Trains at County Seats.

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

§ 1. STOP AT COUNTY SEATS.] Every person, company or corporation operating a railroad within or through this state, shall cause all its regular passenger trains to stop upon their arrival at its station at each county seat, through or by which such trains run wherever such person, company or corporation operating such railroad has heretofore established, or shall hereafter establish, a station within one mile of the corporate limits of such county seat, a sufficient length of time to receive and let off passengers with safety; provided, the same shall not apply to any passenger train which does not carry passengers whose trip both begins and terminates within the boundaries of the state of North Dakota.

§ 2. PENALTY.] Every person, company or corporation failing to comply with the provisions of the last section shall be subject to a penalty of five hundred dollars for each and every offense, to be recovered in a civil action in the name of the state, and to be paid, when collected, to the state of North Dakota, to be credited to the common school fund; and it is hereby made the duty of the state's attorney of the county, upon complaint of any citizen, to commence and prosecute such action on behalf of the state.

§ 3. REPEAL.] Section 4302 of the Revised Codes of the state of North Dakota of 1905, and chapter 202 of the session laws of the state of North Dakota of 1907, are hereby and in all things expressly repealed.

§ 4. EMERGENCY.] Whereas, there is no provision of law requiring railroad companies to stop all regular passenger trains at county seats, this act shall take effect and be in force from and after its passage and approval.

Approved February 27, 1911.

## CHAPTER 254.

[H. B. No. 36—Burnett]

## MAINTENANCE OF STATION HOUSES.

AN ACT to Amend Section 4305 of the 1905 Revised Codes of North Dakota, Relating to the Maintenance of Station Houses.

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

§ 1. That section 4305 of the 1905 Revised Codes of North Dakota, be amended to read as follows:

§ 4305. WHEN STATIONS TO BE MAINTAINED.] Every railroad corporation in the state of North Dakota shall build a station house and keep a station agent twelve months each year when so ordered by the railroad commissioners at all of its sidings where there is grain and merchandise of any description to be shipped; when the outgoing and incoming freight, and all other receipts at said station amounts to twelve thousand dollars or more in any one year. Provided, that said stations are not less distant than five miles apart upon the same line of railway.

§ 2. All acts or parts of acts in so far as they conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no law governing the provisions of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 27, 1911.

## CHAPTER 255.

[H. B. No. 134—Moen of Cavalier]

## POWERS AND DUTIES OF THE BOARD OF RAILROAD COMMISSIONERS.

AN ACT to Amend Sections 4324 and 4343 of the Revised Codes of 1905, Relative to the Powers and Duties of the Board of Railroad Commissioners.

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

§ 1. AMENDMENT.] That section 4324 be amended to read as follows:

§ 4324. The provisions of this article shall apply to the transportation of passengers, property and the transmission of messages between points within this state, and to the receiving, switching, delivering, storing and hauling of such property and

receiving and delivering and carrying all messages and of all charges connected therewith, including icing and mileage charges, and shall apply to all railroad corporations, express companies, car companies, freight and freight-line companies and to all associations of persons, whether incorporated or otherwise, that shall do business within this state and to any common carrier within the state that shall do business upon or from any line or railroad within the state and to any common carrier engaged in the transportation of persons or property wholly by rail or partly by rail or water. The term "common carrier" whenever used in this article shall be construed to include telephone and telegraph companies and associations engaged in the receiving, transmitting and delivering of messages.

§ 2. AMENDMENT.] That section 4343 be amended so as to read as follows:

§ 4343. The board of railroad commissioners shall have power to prescribe just and reasonable classifications of freight and to fix and prescribe just and reasonable schedules of charges for the transportation of intra-state freight and intra-state passengers, for sleeping car accommodations, for goods and all matter of every kind carried by express companies within this state, for the transmission of messages by telegraph and telephone companies and for the use of telephone lines within the state. The commissioners shall also have the power to make just and reasonable regulations for the apportionment of all such charges between two or more companies jointly engaged in the transportation of freight passengers, express matter telegraph or telephone messages and it shall be the duty of said commissioners to prepare such schedules and classifications; and said schedules so made by said commissioners, shall in all suits brought against any such railroad, railroad corporation or common carriers, wherein is in any way involved the charges of any such railroad, railroad corporation or common carriers, for the transportation of any passenger, freight property or cars or unjust discrimination in relation thereto, be deemed and taken in all courts of this state as prima facie evidence that the rates therein fixed are reasonable and just maximum rates or charges for the transportation of passengers, freight, property and cars upon railroads or the transmission of messages by telephone or telegraph for which said schedules may have been respectively prepared. Said commissioners shall from time to time but not oftener than once in six months unless upon appeal from the order fixing such rate the court should modify or reverse such order, and then only to the extent made necessary by such modification or reversal, change and revise said schedules. When any schedule shall have been made or revised as aforesaid, it shall be the duty of said commissioners to forthwith serve a copy of said schedule upon such railroad, railroad corporation or com-

mon carrier affected thereby and a notice stating when such schedule shall go into effect, and to cause notice thereof to be published for two successive weeks in one public newspaper published in each judicial district in this state which notice shall state the fact that a new schedule has been made and the date of the taking effect of said schedule; and said schedule shall take effect at the time so stated in such notice and a printed copy of said revised schedule shall be conspicuously posted by such railroad, railroad corporation or common carrier in each freight, express or receiving office and passenger depot upon its line or lines. All such schedules, so made, shall be received and held in all such suits as prima facie the schedule of said commissioners without further proof than the production of the schedule desired to be used as evidence, with a certificate of said commissioners of railroads, that the same is a true copy of the schedule prepared by them for the railroad, railroad corporation or common carrier therein named, and that notice of the making of the same has been published as required by law, provided, that before finally fixing and deciding what the original maximum rates and classifications shall be, it shall be the duty of the commissioners of railroads to cause notice of such meeting to be given each common carrier affected thereby by mailing a notice thereof addressed to the managing officer thereof at the address given in the last report of such common carrier to the secretary of state, or to such address as may have been given to and filed with said commission, at least thirty days before the date of said hearing, and to publish ten days notice in two daily papers published in the state setting forth in such notice that at a certain time and place they will proceed to fix and determine such maximum rates and classifications; and they shall at such time and place and as soon as practicable afford to any person, firm, corporation, railroad, railroad corporation or common carrier who may desire it, an opportunity to make an explanation or showing or to furnish information to said commissioners on the subject of determining and fixing such maximum rates, fares and classifications; and a schedule of rates, fares and classifications of freights or property on all lines of railroad, railroad corporations or common carriers, subject to this article in North Dakota shall be fixed within sixty days from the taking effect of this article.

Approved February 27, 1911.