

Sec. 57. An emergency is hereby declared to exist and does exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 5, 1919.

RAILROADS

CHAPTER 193

(S. B. No. 36—Ingerson.)

RAILROADS—REQUIRED TO BUILD AND MAINTAIN FENCES, ETC.

An Act to Amend and Re-enact Section 4646 of the Compiled Laws of the State of North Dakota for the Year of 1913, as Amended by Chapter 202 of the Laws of North Dakota for the Year 1915, Requiring Railroads to Build and Maintain Fences, Cattle Guards, Swinging Gates, and Providing Penalties for Failure to Comply Therewith.

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

Sec. 1. AMENDMENT.) Section 4646 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 202 of the Laws of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

Sec. 4646. RIGHT OF WAY TO BE FENCED.) Every person, company or corporation owning or operating any line of railroad or railway within the State, shall, within eighteen months from the taking effect of this Act, or within six months from the completion of any railway or railroad, construct, maintain and keep in repair on each side of its right of way a suitable fence. Such fences shall be constructed of not less than four barbed wires, securely fastened to good posts firmly set in the ground not more than twenty feet apart, the top wire to be not less than fifty-four inches above the ground, the bottom wire approximately sixteen inches above the ground, and two center wires equally distant between the two; or such fences shall be constructed of good posts firmly set in the ground not more than twenty feet apart with woven wire not less than forty-eight inches wide; provided, however, that every owner or lessee of any tract of land abutting upon or through which any railroad has or may be constructed, who shall have built a hog-tight fence upon said tract of land on all sides, excepting that abutting against the railroad right of way, may demand of the owners or operators of such railroad that it enclose its right of way adjacent to such tract of land with a hog-tight fence and maintain the same in good repair and condition so long as the owner of said tract shall continue to maintain a hog-tight fence around the other sides of such enclosure. A hog-tight fence for the purpose of

this Act shall be: A woven wire fence not less than twenty-six inches high with not less than seven cables and meshes not to exceed six inches in length. The bottom mesh shall be not more than three inches wide; the second not more than three and one-half inches wide; the third not more than four inches wide; the fourth not more than four and one-half inches wide; the fifth not more than five inches wide; and the sixth not more than six inches wide. The bottom wire of the said woven wire fence shall be placed not to exceed two inches from the surface of the ground. And in addition to the woven wire already prescribed there shall be not less than three barbed wires placed above said woven wire. The first barbed wire above the woven wire shall be placed four inches above the top of the woven wire fence. The second barbed wire shall be placed eight inches above the first barbed wire; and the third barbed wire shall be placed eight inches above the second barbed wire; in all, forty-eight inches. The posts shall be of ordinary size for fence purposes and set in the ground at least two feet deep and not to exceed sixteen feet apart. The barbs on the barbed wire shall not exceed six inches apart, said wire to be of not less than No. 13 standard gauge.

Sec. 2. CATTLE GUARDS. SWINGING GATES.) It shall be the duty of every person, company or corporation owning or operating any line of railroad within the State to construct and maintain on both sides of all public crossings, suitable and safe cattle guards and on both sides of all private crossings suitable and safe swinging gates.

Sec. 3. NOT TO APPLY IN CORPORATE LIMITS.) This Act shall not apply to street railways or to the right of way of railroads within the limits of any incorporated city or village.

Sec. 4. PENALTIES.) Any person, company or corporation owning or operating any line of railroad within the State that refuses or neglects to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and every thirty days' continuance of such refusal or neglect shall constitute a separate and distinct violation of this law. Provided, that no prosecution or conviction under this Act shall be construed to relieve such person, company or corporation from liability for the maiming or killing of live stock on such right of way by reason of their negligence or the negligence of their employees.

Approved February 19, 1919.

CHAPTER 194.

(H. B. No. 48—State Affairs Committee.)

FREIGHT RATES

An Act Relating to Freight Rates in North Dakota; the Transportation of Freight Within the State; the Classification of Freight for the Purpose of Such Transportation and the Application of Rates Thereto; Fixing the Maximum Rates and Charges for the Transportation of

Freight intra-state; Providing Penalties and Punishments for the Violation of the Provisions Thereof and Defining Certain Duties and Powers of the Board of Railroad Commissioners.

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

Sec. 1. The provisions of this Act shall apply to every railroad operated as a common carrier of freight in the State of North Dakota and to the transportation of property over lines wholly within this State from any point therein to any other point therein over any railroad. The term railway and railroad as used in this Act shall include all bridges and ferries used or operated in connection with any railroad within the State and also the railroads within the State used by any corporation, receiver, trustee, director, administrator or other person or association operating a railroad in the State under contract agreement, license, lease or otherwise; and the term railway corporation shall mean all corporations, companies, associations or individuals owning or operating any railroad in whole or in part in this State; and the term transportation shall include all acts and instrumentalities of shipment or carriage. The provisions of this Act shall also apply to all persons, firms, companies and associations whether incorporated or otherwise that shall do business as common carrier of freight upon any line or lines of railway in this State. Provided, that nothing in this Act shall be held or construed to prohibit the transportation, storage or handling of property within the State for nothing or at reduced rates for the United States or for North Dakota or any of the municipal corporations therein or to the transportation to and from any fair or exposition held under the authority of the State of North Dakota, or by any county or municipality therein for exhibition purposes: And, provided further, that the maximum rates fixed by the provisions of this Act shall not apply to any railroad in this State classified by order of the Board of Railroad Commissioners of North Dakota as a class "C" railroad, under the terms of Chapter 188 of the Laws of North Dakota for the year 1917, except, and to the extent that said rates are applied to such railroad by order of said Board of Railroad Commissioners.

Sec. 2. In the application of the maximum rates and charges, for the transportation of freight within this State as fixed by the provisions of this Act, to the different classes and commodities defined, or named in this Act, Western Classification No. 55, with amendments thereto, now on file in the office of the Board of Railroad Commissioners of the State of North Dakota, shall govern, except as to those commodities that are specifically named in Section 4 of this Act and classified as constituting for the purposes of this legislation, Eleventh (11th) Class, Twelfth (12th) Class, Thirteenth (13th) Class, Fourteenth (14th) Class, Fifteenth (15th) Class, Sixteenth (16th) Class, Seventeenth (17th)

Class, Eighteenth (18th) Class, Nineteenth (19th) Class, Twentieth (20th) Class, and all merchandise and commodities, not specifically named in Section 4 of this Act and otherwise classified therein, shall for all purposes of this Act when transported or offered or received for transportation, on any and all railroads in this State, from one point to another over lines wholly within the State, be classified and transported as First Class (1), Second Class (2), Third Class (3), Fourth Class (4), Fifth Class (5), Class A, Class B, Class C, Class D, or Class E freight, according to the listings, descriptions, regulations, rules, rating, maximum weights and classification of and in the so-called Western Classification with amendments now in force in the State of North Dakota, and known as Western Classification No. 55 (I. C. C. No. 13), and shall be subject to the reasonable maximum rates and charges for such transportation as are established under Section 3 of this Act for the carriage intra-state of such classes of freight by common carriers.

Sec. 3. The following are hereby established and declared to be the reasonable maximum rates to be charged by railroad companies as common carriers of property in the State of North Dakota for the transportation over lines wholly within the State of the merchandise and commodities (excepting only those commodities that are specifically named and otherwise classified in Section four (4) of this Act), listed in and belonging to the classes named in Western Classification No. 55 on file in the office of the Board of Railroad Commissioners of North Dakota, between stations in the State of North Dakota for the distance named in the following schedule of

CLASS RATES IN CENTS PER 100 POUNDS

Distance	1st Class	2nd Class	3rd Class	4th Class	5th Class	Class A	Class B	Class C	Class D	Class E
5 Miles..	12	10	8	6	4.8	5.4	4.2	3.6	3	2.4
10 Miles..	13	10.8	8.6	6.5	5.2	5.8	4.5	3.9	3.2	2.6
15 Miles..	14	11.6	9.3	7	5.6	6.3	4.9	4.2	3.5	2.8
20 Miles..	14.9	12.4	10	7.5	6	6.7	5.2	4.5	3.7	3
25 Miles..	15.9	13.3	10.6	8	6.4	7.2	5.6	4.8	4	3.2
30 Miles..	16.9	14.1	11.3	8.4	6.8	7.6	5.9	5.1	4.2	3.4
35 Miles..	17.9	14.9	11.9	8.9	7.1	8	6.3	5.3	4.5	3.6
40 Miles..	18.9	15.7	12.6	9.4	7.5	8.5	6.7	5.7	4.7	3.8
45 Miles..	19.8	16.5	13.2	9.9	7.9	8.9	6.9	5.9	5	4
50 Miles..	20.8	17.3	13.9	10.4	8.3	9.4	7.3	6.2	5.2	4.2
55 Miles..	21.8	18.2	14.5	10.9	8.7	9.8	7.6	6.5	5.4	4.4
60 Miles..	22.8	19	15.2	11.4	9.1	10.2	8	6.8	5.7	4.6
65 Miles..	23.8	19.8	15.8	11.9	9.5	10.7	8.3	7.1	5.9	4.7
70 Miles..	24.7	20.6	16.5	12.4	9.9	11.1	8.7	7.4	6.2	4.9
75 Miles..	25.7	21.4	17.1	12.9	10.3	11.6	9	7.7	6.4	5.1
80 Miles..	26.7	22.2	18.4	13.3	10.7	12	9.3	8	6.7	5.3
85 Miles..	27.7	23.1	18.8	13.8	11.1	12.5	9.7	8.3	6.9	5.5
90 Miles..	28.7	23.9	19.1	14.3	11.5	12.9	10	8.6	7.2	5.7
95 Miles..	29.6	24.7	19.8	14.8	11.9	13.3	10.4	8.9	7.4	5.9
100 Miles..	30.6	25.5	20.4	15.3	12.2	13.8	10.7	9.2	7.7	6.1
105 Miles..	31.6	26.3	21.1	15.8	12.6	14.2	11.1	9.5	7.9	6.3
110 Miles..	32.6	27.2	21.7	16.3	13	14.7	11.4	9.8	8.1	6.5

Distance	1st Class	2nd Class	3rd Class	4th Class	5th Class	Class A	Class B	Class C	Class D	Class E
115 Miles..	33.6	28	22.4	16.8	13.4	15.1	11.7	10.1	8.4	6.7
120 Miles..	34.5	28.8	23	17.3	13.8	15.5	12.1	10.4	8.6	6.9
125 Miles..	35.5	29.6	23.7	17.8	14.2	16	12.4	10.7	8.9	7.1
130 Miles..	36.5	30.4	24.3	18.2	14.6	16.4	12.8	10.9	9.1	7.3
135 Miles..	37.5	31.2	25	18.7	15	16.9	13.1	11.2	9.4	7.5
140 Miles..	38.5	32	25.6	19.2	15.4	17.3	13.5	11.5	9.6	7.7
145 Miles..	39.4	32.9	26.3	19.7	15.8	17.7	13.8	11.8	9.9	7.9
150 Miles..	40.4	33.7	26.9	20.2	16.2	18.2	14.1	12.1	10.1	8.1
155 Miles..	41.4	34.5	27.6	20.7	16.6	18.6	14.5	12.4	10.3	8.3
160 Miles..	42.4	35.3	28.2	21.2	16.9	19.1	14.8	12.7	10.6	8.5
165 Miles..	43.4	36.1	28.9	21.7	17.3	19.5	15.2	13	10.8	8.7
170 Miles..	44.3	36.9	29.6	22.2	17.7	19.9	15.5	13.3	11.1	8.9
175 Miles..	45.3	37.8	30.2	22.7	18.1	20.4	15.9	13.6	11.3	9.1
180 Miles..	46.3	38.6	30.9	23.1	18.5	20.8	16.2	13.9	11.6	9.3
185 Miles..	47.3	39.4	31.5	23.6	18.9	21.3	16.5	14.2	11.8	9.5
190 Miles..	48.3	40.2	32.2	24.1	19.3	21.7	16.9	14.5	12.1	9.6
195 Miles..	49.2	41	32.8	24.6	19.7	22.2	17.2	14.8	12.3	9.8
200 Miles..	50.2	41.8	33.5	25.1	20.1	22.6	17.6	15.1	12.6	10
210 Miles..	51.2	42.7	34.1	25.6	20.5	23	17.9	15.4	12.8	10.2
220 Miles..	52.2	43.5	34.8	26.1	20.9	23.5	18.3	15.6	13	10.4
230 Miles..	53.2	44.3	35.4	26.6	21.3	23.9	18.6	15.9	13.3	10.6
240 Miles..	54.1	45.1	36.1	27.1	21.7	24.4	18.9	16.2	13.5	10.8
250 Miles..	55.1	45.9	36.7	27.6	22	24.8	19.3	16.5	13.8	11
260 Miles..	56.1	46.7	37.4	28	22.4	25.2	19.6	16.8	14	11.2
270 Miles..	57.1	47.6	38	28.5	22.8	25.7	20	17.1	14.3	11.4
280 Miles..	58.1	48.4	38.7	29	23.2	26.1	20.3	17.4	14.5	11.6
290 Miles..	59	49.2	39.4	29.5	23.6	26.6	20.7	17.7	14.8	11.8
300 Miles..	60	50	40	30	24	27	21	18	15	12
310 Miles..	61	50.8	40.7	30.5	24.4	27.4	21.3	18.3	15.2	12.2
320 Miles..	62	51.6	41.3	31	24.8	27.9	21.7	18.6	15.5	12.4
330 Miles..	63	52.5	42	31.5	25.2	28.3	22	18.9	15.7	12.6
340 Miles..	63.9	53.3	42.6	32	25.6	28.8	22.4	19.2	16	12.8
350 Miles..	64.9	54.1	43.3	32.5	26	29.2	22.7	19.5	16.2	13
360 Miles..	65.9	54.9	43.9	32.9	26.4	29.7	23.1	19.8	16.5	13.2
370 Miles..	66.9	55.7	44.6	33.4	26.7	30.1	23.4	20.1	16.7	13.4
380 Miles..	67.9	56.5	45.2	33.9	27.1	30.5	23.7	20.4	17	13.6
390 Miles..	68.8	57.4	45.9	34.4	27.5	31	24.2	20.6	17.2	13.8
400 Miles..	69.8	58.2	46.5	34.9	27.9	31.3	24.4	20.9	17.5	14

Sec. 4. For the purposes of this Act the commodities hereunder named are classified as follows: Flax seed, broom corn seed, hemp seed, millet seed, pop corn, castor beans, and Hungarian seed shall constitute the Eleventh (11th) Class; wheat, corn, rye, oats, barley, alfalfa feed, alfalfa meal, wheat flour, corn flour, corn meal, gluten meal, bran, grain screenings, hominy feed, Kaffir corn, linseed cake, linseed meal, middlings, shorts, sorghum seed, speltz, wild mustard seed, oat groats, rolled oats, oat dust, oat hulls, oat meal, rolled rye, rye flour, malt, pearl barley, and all uncooked grain or cereal products shall constitute the Twelfth (12th) Class; potatoes and sugar, cane or beet, shall constitute the Thirteenth (13th) Class; lumber, lath, shingles, lime, cement, plaster, stucco, sash doors, baseboards, blinds, blocks, lath, poles, shavings, shingles, ties, fence posts, vats, boxes, barrels and crates, shall constitute the Fourteenth (14th) Class; sheep, hogs and goats (when carried in double deck cars)

and cattle and calves, shall constitute the Fifteenth (15th) Class; horses, hogs, sheep and goats when carried in single deck cars and mixed carloads of cattle or calves with sheep or hogs or both shall constitute the Sixteenth (16th) Class; sugar beets, wet beet pulp and lime refuse shall constitute the Seventeenth (17th) Class; hard coal, coke, coke and coal dust shall constitute the Eighteenth (18th) Class; soft coal, sand, gravel and common brick shall constitute the Nineteenth (19th) Class; lignite coal and lignite briquettes shall constitute the Twentieth (20th) Class.

Sec. 5. The following are hereby established and declared to be the reasonable maximum rates to be charged by railway companies as common carriers of property in the State of North Dakota for the transportation over lines wholly within the State in carload lots of the commodities listed in and belonging to the classes named in Section 4 of this Act, between stations in the State of North Dakota for the distance named in the following schedule:

Distance in Miles	11th Class rate in cents per 100 pounds	12th Class rate in cents per 100 pounds	13th Class rate in cents per 100 pounds	14th Class rate in cents per 100 pounds	15th Class rate in cents per 100 pounds	16th Class rate in cents per 100 pounds	17th Class rate in cents per 100 pounds	18th Class rate in dollars and cents per ton, 2000 pounds	19th Class rate in dollars and cents per ton, 2000 pounds	20th Class rate in dollars and cents per ton, 2000 pounds
5. . . .	4.8	4.2	4.1	4	5.5	6.0	2.3	.54	.48	.48
10. . . .	4.9	4.3	4.2	4.1	6.0	6.5	2.4	.62	.50	.50
15. . . .	5.0	4.4	4.3	4.2	6.5	7.0	2.5	.63	.51	.50
20. . . .	5.1	4.5	4.4	4.3	7.1	7.5	2.6	.65	.52	.50
25. . . .	5.2	4.6	4.5	4.4	7.5	8.0	2.7	.69	.54	.50
30. . . .	5.3	4.7	4.6	4.6	7.9	8.5	2.8	.70	.57	.50
35. . . .	5.4	4.8	4.8	4.8	8.3	9.0	2.9	.72	.58	.55
40. . . .	5.6	4.9	5.0	5.0	8.7	9.5	3.0	.74	.59	.57
45. . . .	5.7	5.0	5.3	5.2	9.1	10.0	3.2	.75	.61	.57
50. . . .	5.8	5.1	5.6	5.3	9.4	10.5	3.3	.77	.62	.59
55. . . .	5.9	5.2	5.9	5.5	9.7	10.7	3.5	.81	.64	.59
60. . . .	6.1	5.4	6.3	5.6	9.9	10.9	3.6	.83	.65	.60
65. . . .	6.3	5.5	6.7	5.7	10.1	11.1	3.7	.85	.69	.60
70. . . .	6.5	5.8	7.1	5.8	10.3	11.3	3.9	.87	.70	.62
75. . . .	6.7	6.0	7.5	6.0	10.5	11.5	4.0	.89	.72	.63
80. . . .	7.0	6.2	7.9	6.1	10.7	11.8	4.1	.93	.74	.65
85. . . .	7.2	6.3	8.3	6.3	10.9	12.1	4.3	.95	.75	.67
90. . . .	7.4	6.5	8.7	6.4	11.1	12.3	4.4	.97	.77	.70
95. . . .	7.6	6.7	9.1	6.5	11.3	12.5	4.5	.99	.80	.73
100. . . .	7.8	7.0	9.5	6.6	11.5	12.7	4.6	1.01	.82	.75
105. . . .	7.9	7.0	9.8	6.8	11.7	13.0	4.8	1.04	.83	.76
110. . . .	8.1	7.0	10.0	6.9	11.9	13.2	4.9	1.06	.84	.77
115. . . .	8.2	7.2	10.2	7.0	12.1	13.4	5.0	1.07	.85	.78
120. . . .	8.2	7.2	10.5	7.1	12.3	13.6	5.1	1.08	.86	.79
125. . . .	8.3	7.3	10.7	7.2	12.5	13.8	5.2	1.10	.87	.80
130. . . .	8.4	7.4	10.9	7.3	12.7	14.0	5.3	1.11	.88	.82
135. . . .	8.5	7.4	11.1	7.4	12.9	14.2	5.4	1.12	.92	.83
140. . . .	8.5	7.5	11.3	7.5	13.1	14.4	5.5	1.16	.93	.85

Distance in Miles	11th Class rate in cents per 100 pounds	12th Class rate in cents per 100 pounds	13th Class rate in cents per 100 pounds	14th Class rate in cents per 100 pounds	15th Class rate in cents per 100 pounds	16th Class rate in cents per 100 pounds	17th Class rate in cents per 100 pounds	18th Class rate in dollars and cents per ton, 2000 pounds	19th Class rate in dollars and cents per ton, 2000 pounds	20th Class rate in dollars and cents per ton, 2000 pounds
145....	8.6	7.6	11.5	7.6	13.3	14.6	5.6	1.17	.94	.86
150....	8.7	7.6	11.7	7.7	13.5	14.8	5.7	1.19	.95	.88
155....	8.8	7.7	11.9	7.8	13.7	15.0	5.8	1.20	.96	.89
160....	8.8	7.8	12.1	8.0	13.8	15.2	6.0	1.22	.98	.91
165....	9.0	7.9	12.3	8.1	14.0	15.4	6.1	1.24	1.00	.92
170....	9.0	7.9	12.4	8.2	14.2	15.6	6.2	1.29	1.01	.94
175....	9.1	8.1	12.5	8.3	14.3	15.8	6.3	1.31	1.05	.95
180....	9.1	8.1	12.6	8.4	14.5	16.0	6.4	1.33	1.07	.96
185....	9.3	8.2	12.7	8.5	14.7	16.2	6.5	1.35	1.09	.97
190....	9.4	8.3	12.8	8.6	14.8	16.3	6.6	1.37	1.10	.98
195....	9.5	8.3	12.9	8.7	14.9	16.4	6.7	1.42	1.12	.99
200....	9.6	8.4	13.0	8.8	15.0	16.5	6.8	1.44	1.16	1.00
210....	9.7	8.5	13.2	9.0	15.2	16.8	7.1	1.48	1.19	1.02
220....	9.8	8.6	13.4	9.2	15.4	17.0	7.2	1.54	1.22	1.04
230....	9.9	8.7	13.6	9.3	15.6	17.2	7.3	1.58	1.28	1.06
240....	10.0	8.8	13.8	9.5	15.8	17.4	7.5	1.63	1.31	1.08
250....	10.2	8.9	14.0	9.7	16.0	17.6	7.7	1.68	1.34	1.10
260....	10.3	9.1	14.1	9.8	16.2	17.9	7.8	1.72	1.37	1.12
270....	10.5	9.3	14.3	10.0	16.4	18.2	8.0	1.78	1.42	1.14
280....	10.6	9.4	14.4	10.2	16.6	18.5	8.2	1.82	1.46	1.16
290....	10.8	9.5	14.6	10.3	16.8	18.8	8.3	1.87	1.49	1.18
300....	10.9	9.6	14.7	10.5	17.0	19.0	8.5	1.92	1.54	1.20
310....	11.0	9.7	14.8	10.6	17.2	19.2	8.7	1.94	1.56	1.22
320....	11.1	9.8	15.0	10.8	17.4	19.4	8.8	1.96	1.57	1.24
330....	11.2	9.9	15.3	11.0	17.6	19.6	9.0	1.99	1.59	1.26
340....	11.3	9.9	15.6	11.1	17.8	19.8	9.2	2.02	1.60	1.28
350....	11.4	10.0	15.8	11.3	18.0	20.0	9.3	2.04	1.63	1.30
360....	11.5	10.1	16.1	11.5	18.2	20.2	9.4	2.06	1.66	1.32
370....	11.7	10.2	16.4	11.6	18.4	20.4	9.5	2.08	1.67	1.34
380....	11.8	10.3	16.7	11.8	18.6	20.6	9.7	2.11	1.69	1.36
390....	11.9	10.5	17.0	12.0	18.8	20.8	9.8	2.13	1.70	1.38
400....	12.0	10.6	17.2	12.1	19.0	21.0	10.1	2.16	1.72	1.40

Provided, however, that the reasonable maximum rate to be charged for the transportation intra-state of stock or feeding cattle in carload lots from either Fargo, North Dakota or Grand Forks, North Dakota, to any other station in North Dakota will be seventy-five per cent of the rate on cattle provided for in the foregoing schedule.

Sec. 6. When the exact distance which freight is transported is not shown by the foregoing schedules, the carrier shall charge the rate specified in the schedule for the next nearest distance shown.

Sec. 7. In order to constitute a carload within the meaning of this Act and for the application of the rates specified in Section 5 thereof, the minimum weight of the commodity constituting

such carload shall be twenty-four thousand pounds for the commodities listed in the Eleventh (11th) and Twelfth (12th) classes; thirty thousand pounds for the commodities listed in the Thirteenth (13th) Class; twenty thousand pounds for all of the commodities listed in the Fourteenth (14th) class, except lime, cement, plaster and stucco on which the minimum weight to be applied shall be forty thousand pounds; twenty-two thousand pounds for commodities listed in the Fifteenth (15th) class; seventeen thousand pounds for hogs; twelve thousand pounds for sheep and goats; twenty-two thousand pounds for horses and mixed carloads of commodities listed in the Sixteenth (16th) class; thirty-six thousand pounds on commodities listed in the Seventeenth (17th) class; and forty thousand pounds for the commodities listed in the Eighteenth (18th), Nineteenth (19th) and Twentieth (20th) classes.

Sec. 8. When it is necessary or possible for the transportation of freight by railroad, over the shortest railroad route, from one point in North Dakota to another point in North Dakota over lines wholly within the State, for the shipment to move over lines of two or more connecting railroads, reasonable through joint rates which shall not exceed eighty-five per cent of the sum of the local rates for shipments in less than carload lots, nor seventy-eight per cent of the sum of the local rates for shipments in carload lots, shall be made, published and collected by the railroads participating in the haul, and the maximum rate that may be lawfully asked, received or collected by any such connecting railroad for the part or portion of the haul made and the service rendered by it as a common carrier in such transportation shall not, when the shipment is in less than carload lots, exceed eighty-five per cent of the maximum rate fixed by this Act for the transportation for an equal distance of the same class of freight in less than carload lots, and shall not, when the shipment is by carload, exceed seventy-eight per cent of the maximum rate fixed by this Act for the transportation for an equal distance of the same class of freight in carload lots: Provided, however, that it shall be lawful for such connecting carriers to add to such joint rates for shipments in less than carload lots the actual drayage charge paid at transfer points when such drayage charges are published in their regular tariff sheets and filed with the approval of the Board of Railroad Commissioners of North Dakota, and, provided, further, that the joint rates required to be published and observed under this section shall not apply to traffic passing over two lines, one of which handles the shipment on a switching rate approved by the Board of Railroad Commissioners, and, provided, further, that the minimum charge under this section shall in no case be less than twenty-five (25) cents for the entire movement. And, provided further, that this Act shall not affect the duty of any railroad

company, nor the powers of the Board of Railroad Commissioners as set forth in Sections 4777, 4778, 4779 and 4780 of the Compiled Laws of North Dakota, 1913.

Sec. 9. No railroad company which is a common carrier of property within the State of North Dakota shall charge, take or receive any greater sum for carrying over its lines wholly within this State between stations therein any merchandise or property, or any of the commodities classified or named in this Act, than the respective amounts set forth and provided in Sections 3 and 5 of this Act for the respective distances named in said Sections 3 and 5 respectively, and no railroad companies shall take or receive for carrying over their lines wholly within the State from one point to another within the State in making a joint haul over lines of more than one railroad, of any merchandise or commodity, more than the maximum joint rates provided for in Section 8 of this Act.

Sec. 10. This Act shall not in any manner affect the power or authority of the Board of Railroad Commissioners of North Dakota, except that the said Board of Railroad Commissioners shall not have the power by rule, order or regulation to fix or authorize any railroad company to charge or receive higher rates for the transportation of merchandise or commodities herein mentioned over any railroad in this State, than the maximum rates herein prescribed until and unless the railroad company asking to have such rate or rates over its line or lines fixed higher than the maximum rate or rates herein declared to be reasonable, produces the evidence and shows in a proceeding brought for that purpose and pending before said Board, first, the original cost and date of acquisition of the right of way and all terminals of said railroad in North Dakota, second, the cost of construction of all the lines of said railroads and all the railroad terminals and improvements thereon in North Dakota; third, the complete schedule of all of the property of said railroad on which it pays taxes in the State of North Dakota, and the cost and value thereof; fourth, that the rates which it petitions to have raised higher than the maximum rate herein prescribed are unreasonable and confiscatory; fifth, the original general books of account of said railroad company giving the details of its profit and loss account, its legal departments' expenditures and disbursements, all of its general officers' salary and expense accounts and the details thereof, and any other book paper, voucher or account which the said Board of Railroad Commissioners shall ask to have produced as evidence at such hearing. And until such railroad company produces before said Board in such proceeding the proof above specified and required to be shown and establishes by competent testimony that the rates herein prescribed and sought to be modified and raised by such proceedings are

unreasonable or confiscatory, and until an order is made on such showing and proof that the rates attacked in such hearing are unreasonable or confiscatory, and are modified by said Board fixing higher rates, such rates as herein fixed shall be the exclusive legal maximum rates for the transportation of the merchandise or commodities between the points to which such rates apply.

Sec. 11. Every railroad company transacting the business of a common carrier within this State shall adopt and publish and put into effect rates not exceeding the charges specified herein for the transportation by it between stations upon its line of road in this State of the commodities named in this Act; and every officer, director, traffic manager or agent or employee of such railroad company, exercising any authority or being charged with any duty in establishing freight rates for such railroad company, shall cause the adoption, publication and use by such railroad company of rates not exceeding those specified in this Act.

Sec. 12. Any person or corporation guilty of violating the provisions of this Act shall upon conviction thereof be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and for each subsequent offense not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) and shall pay in addition to said fine so imposed the costs of prosecution.

Sec. 13. Should the Courts declare any section, clause or item of this Act invalid or unconstitutional, such decision shall affect only the section, clause or item so declared to be invalid or unconstitutional, and shall not affect any other section, clause or item of this Act.

Sec. 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 19, 1919.

REPAIRS

CHAPTER 195.

(H. B. No. 87—Nesvig.)

MACHINERY AND ENGINE REPAIRS TO BE KEPT WITHIN THE STATE.

An Act Providing for the Keeping of Repairs Within the State for all Gas or Oil Burning Tractors, Steam or Gas Engines, Harvesting and Threshing Machinery, Automobiles, and Auto Trucks, and Prescribing the Duties of the Manufacturers Thereof.

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

Sec. 1. On and after the taking effect of this Act it shall be unlawful for the manufacturers of any gas or oil burning tractors, steam or gas engines, harvesting and threshing ma-