

[§ 4.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1885.

Fuel.

GOVERNING THE TRANSPORTATION.

CHAPTER 61.

AN ACT to Regulate the Receiving and Transportation of fuel on Railroads in this Territory.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. RAILWAY COMPANY REQUIRED TO TRANSPORT FUEL.] Any railroad company doing business in this Territory, when desired by any person wishing to ship coal or other fuel over its road, shall receive and transport such coal or other fuel in bulk, within a reasonable time, and permit the same to be loaded either on its track near the depot or at any warehouse or side-track without any distinction, discrimination or favor between one shipper and another, and without discrimination or distinction as to the manner in which such coal or other fuel is offered for transportation, or as to the person, warehouse or place, where or to which it may be consigned. Every railroad company shall permit connections to be made and maintained in a reasonable manner with its track to and from any coal mine adjacent to or near any station or side track on its line, *Provided, however,* That such railroad company shall not be required to pay the cost of making or maintaining said connections or of the siding or switch track necessary to make the same: and, *Provided, further,* That a majority of the railroad commissioners shall direct such railroad to make such connections and siding.

§ 2. NO DISCRIMINATION.] No railroad corporation shall charge, demand or receive from any person, company or corporation, for the transportation of coal or other fuel, a greater sum than it shall at the same time charge, demand or receive from any other person, company or corporation for a like service from the same

place and all concessions of rates, rebates, drawbacks and contracts for special rates, shall be open to and allowed to all persons, companies and corporations, and they shall charge no more for transporting from any point on its line than a fair and just proportion of the price it charges for the same kind of freight transported from any other point within the Territory.

§ 3. CERTAIN LAW TO APPLY.] All the provisions of an act entitled "an act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory" shall apply to the receiving and shipments of coal and other fuel so far as the same is applicable: and it shall be the duty of the railroad commissioners to enforce the provisions of this act.

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

Approved, March 12, 1885.

Grand Juries.

CHAPTER 62.

AN ACT to Amend Section Six of Chapter Nineteen of the Political Code and to Amend Section One Hundred and Sixty-three of the Code of Criminal Procedure.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. HOW SUMMONED. NUMBER.] That section six of chapter nineteen of the Political Code of the Territory of Dakota is hereby amended to read as follows: § 6. "A grand jury shall be summoned in the same manner provided for summoning petit jurors; *Provided*, that in all cases the grand jury shall consist of not less than sixteen nor more than twenty-three jurors.

§ 2. DEFINED.] That section one hundred and sixty-three of the Code of Criminal Procedure be and the same is hereby amended to read as follows: § 163. "A grand jury as (is) a body of men consisting of not less than sixteen nor more than twenty-three jurors impaneled and sworn to inquire into and true presentment make of all public offenses against the territory committee or triable within the county or sub-division for which the court is holden.

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

Approved, March 12, 1885.