

CHAPTER 92.

[H. B. No. 51.]

RELATING TO OBSTRUCTION OF ROADS.

AN ACT to Amend Section 687, Penal Code of Revised Codes of 1877, Being Section 6876 of the Compiled Laws of 1887.

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

§ 1. RELATING TO OBSTRUCTION—ROADS.] That Section 687, Penal Code of Revised Codes of 1877, being Section 6877 of the Compiled Laws of 1887 be amended so as to read as follows:

§ 687. Every person who shall knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway, or shall build or place a barb wire fence across any well traveled trail, which has been the usual and common route of travel for not less than one year prior to the commission of the offense; without placing on the outside of the top tier of barb wire on said fence, a board, pole or other suitable protection, to be at least 16 feet in length shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one hundred dollars, and shall be liable for all damages to person or property by reason of the same.

§ 2. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 14, 1895.

RAILROADS.

CHAPTER 93.

[S. B. No. 48.]

COAL RATES.

AN ACT Fixing the Maximum Rates That Railroad Companies May Charge for the Transportation of Coal Within the State of North Dakota.

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

§ 1. MAXIMUM COAL RATES.] All railroad companies doing business as common carriers within the State of North Dakota

shall not charge for the transportation of coal within the State a greater rate per ton than the following: For the first five miles or fractional part thereof, thirty (30) cents per ton; for any distance over five miles and not to exceed fifteen miles, forty (40) cents per ton; for any distance over fifteen miles and not to exceed twenty-five miles, fifty (50) cents per ton; for any distance over twenty-five miles and not to exceed thirty-five miles, fifty-nine (59) cents per ton; for any distance over thirty-five miles and not to exceed forty-five miles, sixty-eight (68) cents per ton; for any distance over forty-five miles and not to exceed fifty-five miles, seventy-five (75) cents per ton; for any distance over fifty-five miles and not to exceed sixty-five miles, eighty-one (81) cents per ton; for any distance over sixty-five miles and not to exceed seventy-five miles, eighty-six (86) cents per ton; for any distance over seventy-five miles and not to exceed eighty-five miles, ninety (90) cents per ton; for any distance over eighty-five miles and not to exceed ninety-five miles, ninety-four (94) cents per ton; for any distance over ninety-five miles and not to exceed one hundred and five miles, ninety-eight (98) cents per ton; for any distance over one hundred and five miles and not to exceed one hundred and fifteen miles, one dollar and two cents (\$1.02) per ton; for any distance over one hundred and fifteen miles and not to exceed one hundred and twenty-five miles, one dollar and six cents (\$1.06) per ton; for any distance over one hundred and twenty-five miles and not to exceed one hundred and thirty-five miles, one dollar and ten cents (\$1.10) per ton; for any distance over one hundred and thirty-five miles and not to exceed one hundred and forty-five miles, one dollar and fourteen cents (\$1.14) per ton; for any distance over one hundred and forty-five miles and not to exceed one hundred and fifty-five miles, one dollar and eighteen cents (\$1.18) per ton; for any distance over one hundred and fifty-five miles and not to exceed one hundred and sixty-five miles, one dollar and twenty-two cents (\$1.22) per ton; for any distance over one hundred and sixty-five miles and not to exceed one hundred and seventy-five miles, one dollar and twenty-six cents (\$1.26) per ton; for any distance over one hundred and seventy-five miles and not to exceed one hundred and eighty-five miles, one dollar and thirty cents (\$1.30) per ton; for any distance over one hundred and eighty-five miles and not to exceed one hundred and ninety-five miles, one dollar and thirty-four cent (\$1.34) per ton; for any distance over one hundred and ninety-five miles and not to exceed two hundred and five miles, one dollar and thirty-eight cents (\$1.38) per ton; for any distance over two hundred and five miles and not to exceed two hundred and fifteen miles, one dollar and forty-two cents (\$1.42) per ton; for any distance over two hundred and fifteen miles and not to exceed two hundred and twenty-five miles, one dollar and forty-six cents (\$1.46) per ton; for any distance over two hundred and twenty-five and not to exceed two hundred and thirty-five miles, one

dollar and fifty-cents (\$1.50) per ton; for any distance over two hundred and thirty-five and not to exceed two hundred and forty-five, one dollar and fifty-four cents (\$1.54) per ton; for any distance over two hundred and forty-five and not to exceed two hundred fifty five miles, one dollar and fifty-eight cents (\$1.58) per ton; for any distance over two hundred and fifty-five miles and not to exceed two hundred sixty-five miles, one dollar and sixty-four cents (\$1.64) per ton; for any distance over two hundred and sixty-five miles and not to exceed two hundred and seventy-five miles, one dollar and sixty-seven cents (\$1.67) per ton; for any distance over two hundred and seventy-five, and not to exceed two hundred and eighty-five, one dollar and sixty-nine cents (\$1.69) per ton; for any distance over two hundred and eighty-five miles and not to exceed two hundred and ninety-five miles, one dollar and seventy-one cents (\$1.71) per ton; for any distance over two hundred and ninety-five miles and not to exceed three hundred and five miles, one dollar and seventy-four cents (\$1.74) per ton; for any distance over three hundred and five miles and not to exceed three hundred and fifteen miles, one dollar and seventy-five (\$1.75) per ton; for any distance over three hundred and fifteen and not to exceed three hundred and twenty-five miles, one dollar and seventy-eight cents (\$1.78) per ton; for any distance over three hundred and twenty-five miles and not to exceed three hundred and thirty-five miles, one dollar and eighty cents (\$1.80) per ton; for any distance over three hundred and thirty-five miles and not to exceed three hundred and forty-five miles, one dollar and eighty-three cents (\$1.83) per ton; for any distance over three hundred and forty-five miles and not to exceed three hundred and fifty-five miles, one dollar and eighty-five cents (\$1.85) per ton; for any distance over three hundred and fifty-five miles and not to exceed three hundred sixty-five miles, one dollar and eighty-seven cents (\$1.87) per ton; for any distance over three hundred and sixty-five miles and not to exceed three hundred and seventy-five miles, one dollar and ninety cents (\$1.90) per ton; for any distance over three hundred and seventy-five miles and not to exceed three hundred and eighty-five miles, one dollar and ninety-two cents (\$1.92) per ton; for any distance over three hundred and eighty-five miles and not to exceed three hundred and ninety-five miles, one dollar and ninety-four cents (\$1.94) per ton; for any distance over three hundred and ninety-five miles and not to exceed four hundred and five miles, one dollar and ninety-six cents (\$1.96) per ton; for any distance over four hundred and five miles and not to exceed four hundred and fifteen miles, one dollar and ninety-eight cents (\$1.98) per ton; for any distance over four hundred and fifteen miles and not to exceed four hundred and twenty-five miles, two dollars and one cent (\$2.01) per ton; for any distance over four hundred and twenty-five miles and not to exceed four hundred and thirty-five miles, two dollars and three cents (\$2.03) per ton;

for any distance over four hundred and thirty-five miles and not to exceed four hundred and forty-five miles, two dollars and six cents (\$2.06) per ton; for any distance over four hundred and forty-five miles and not to exceed four hundred and fifty-five miles, two dollars and eight cents (\$2.08) per ton; for any distance over four hundred and fifty-five miles and not to exceed four hundred and sixty-five miles, two dollars and ten cents (\$2.10) per ton; for any distance over four hundred and sixty-five miles and not to exceed four hundred and seventy-five miles, two dollars and thirteen cents (\$2.13) per ton; for any distance over four hundred and seventy-five miles and not to exceed four hundred and eighty-five miles, two dollars and fifteen cents (\$2.15) per ton; for any distance over four hundred and eighty-five miles and not to exceed four hundred and ninety-five miles, two dollars and seventeen cents (\$2.17) per ton.

§ 2. PENALTY FOR FAILURE TO COMPLY WITH ACT.] Any railroad company violating any of the provisions of this act shall be subject to a fine of not less than twenty-five dollars per day for each and every day during which such violation shall continue, to be recovered by any person prejudiced or suffering loss or damage by such violation.

§ 3. DUTY OF ATTORNEY GENERAL.] It shall be the duty of the Attorney General or of the State's attorney of any county in which an action arises against any railroad company for a violation of any of the provisions of this act, upon demand of the Board of Railroad Commissioners, to commence and prosecute all actions necessary for the enforcement of the provisions of this act.

§ 4. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] An emergency exists in that there are no laws now in force for the regulating of railroad freight rates for the transportation of coal in the State of North Dakota, this act shall take effect and be in force from and after its passage and approval.

Approved, March 21, 1895.

CHAPTER 94.

[H. B. No. 64.]

REGULATING THE NUMBER OF TRAINMEN.

AN ACT Compelling Railroad Companies to Provide a Certain Number of Men to Man Trains and Prescribing Penalties for Neglect Thereof.

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

§ 1. REGULATING THE NUMBER OF TRAINMEN.] That it shall be the duty of every corporation operating a railway within the limits of this State which has not complete air equipments in good order on all rolling stock in use on said road, to furnish at least two brakemen to each freight train consisting of forty-five cars, and it shall be the duty of said company to furnish an extra brakeman on said freight train for every ten cars or fraction thereof in excess of said forty-five cars, *Provided*, That the provisions of this act shall not apply to any train which has therein equipped with air brakes, a sufficient number of cars to render the hand brakes unnecessary in the ordinary stoppage of trains.

§ 2. PENALTY.] That for each and every violation of the above section the railroad corporation so offending shall be subject to a penalty of fifty dollars, to be recovered in a civil action and paid to the State of North Dakota, and it is hereby made the duty of the Attorney General upon complaint of any citizen to commence and prosecute this action in his own name as Attorney General on behalf of said State.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved, March 8, 1895.

CHAPTER 95.

[S. B. No. 166.]

RELATING TO STOP-OVER RATES.

AN ACT Fixing the Maximum Compensation That a Railroad Company May Charge for a Stop-Over on Cars in Transit Between Intermediate and Terminal Points, and for the Transportation of Freight Between Such Points.

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

§ 1. MAXIMUM STOP-OVER RATES.] Whenever any railroad company doing business in this State as a common carrier shall ship any car or cars of freight over any of its railway lines or

branches, three of which, car or cars contains freight to any intermediate point or points, it shall be the duty of such railroad company to stop such car or cars at such point or points and the consignee of such freight shall be permitted to unload the same upon payment to such railroad company of the full freight rates from the shipping point to the terminal point of such car or cars and in addition thereto the sum of \$5.00 per car for each and every day such car or cars is or are delayed during such stop-over; *Provided*, The car or cars contain no perishable goods and are billed to one consignee, and in no case over one stop or stop-over shall be made, nor shall said car or cars be opened but once for distributing goods at intermediate stations.

§ 2. PENALTY.] Every railroad company neglecting or refusing to comply with the provisions of this act shall be liable to damages in the sum of \$20.00 for each and every day such railroad company neglects or refuses to comply with the provisions thereof, to be recovered by any person damaged by reason of such neglect or refusal in any court of competent jurisdiction.

Approved, March 12, 1895.

CHAPTER 96.

[H. B. No. 8.]

REPEAL OF LAW OF 1889.

AN ACT to Repeal An Act of the Legislative Assembly of the Territory of Dakota, Approved March 7, 1889, Entitled: "An Act Providing for the Levy and Collection of Taxes Upon the Property of Railroad Companies in this Territory," and all Acts Amendatory Thereto.

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

§ 1. REPEAL.] That an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act Providing for the Levy and Collection of Taxes Upon the Property of Railroad Companies in this Territory," and all acts amendatory thereto, be and the same are hereby repealed, *Provided, however*, That this act shall in no wise effect the levy and collection of taxes upon the property of railroad companies in this state for the year 1894 (eighteen hundred and ninety-four.)

§ 2. EMERGENCY.] An emergency exists in that the property of railroads is required to be assessed before July 1st, 1895, *Therefore*, this act shall take effect and be in force from and after its passage and and approval.

Approved, March 8, 1895.

CHAPTER 97.

[H. B. No. 23.]

RELATING TO RAILWAY STATION HOUSES.

AN ACT Defining the Duties of Railways in Regard to Station Houses.

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

§ 1. TO MAINTAIN STATIONS—WHEN.] Every railway corporation in the State shall build a station house and keep a station agent 12 months each year at all their sidings where there is grain and merchandise of any description shipped where the freight on which amounts to \$40,000, forty thousand dollars, or more in any one year.

§ 2. PENALTY.] Any railway company or corporation failing to comply with the provisions of this act shall be punished by a fine of not less than (\$2,000,) two thousand dollars, and it shall be the duty of the railroad commissioners to enforce the provisions of this act in the name of the State of North Dakota.

§ 3. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. EMERGENCY. *Whereas*, An emergency exists in this that the erection of such station houses will be necessary before July 1, 1895; *Therefore*, This act shall take effect and be in force from and after its passage and approval.

Approved, March 4, 1895.

REPEAL.

CHAPTER 98.

[S. B. No. 74.]

SUPREME COURT REPORTS OF DAKOTA TERRITORY.

AN ACT to Repeal Chapter 172, of the Session Laws of 1890, Being An Act Entitled "An Act Providing for the Purchase and Distribution of the Remaining Reports of the Supreme Court of Dakota Territory."

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

§ 1. REPEAL.] That Chapter 172, of the Session Laws of 1890, of the State of North Dakota, being an act entitled "An