
RAILROADS

CHAPTER 199.

[H. B. No. 18—White]

MAXIMUM TRANSPORTATION RATES.

AN ACT Providing for a Maximum Rate of Fare to be Charged and Collected by Railroads, Railroad Corporations and Common Carriers, for the Transportation of Passengers and Baggage, and Providing a Penalty for the Violation Thereof.

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

§ 1. TWO AND ONE-HALF CENTS A MILE AND FAMILY MILEAGE BOOKS.] Every railroad, railroad corporation and common carrier doing business in this state, their officers, agents, representatives, employes, trustees, receivers and lessees shall be limited to a compensation of not to exceed two and one-half cents per mile for distances exceeding six miles, for the transportation of any person with ordinary baggage not exceeding one hundred and fifty pounds in weight; and for children five years of age and less than twelve years of age, one-half of the fare charged for adults; and for children under five years old who are traveling with an adult paying full fare no charge shall be made; provided, that every railroad, railroad corporation and common carrier doing business in this state shall issue upon request of any person, mileage books in denomination of one thousand miles, limited to not less than one year from date of issue and redeemable within one year after the expiration of such limitation, with baggage and other facilities similar to those accompanying regular trip tickets, at a price of twenty dollars each; that such mileage books shall be good for travel by the purchaser and such adult members of his family as he may designate and whose names are then and there written thereon, but the fare shall always be made that multiple of five nearest reached by multiplying the rate by the distance; provided, further, that the provisions of this act shall not apply to the transportation of passengers within the boundaries of any city by street railway companies. Every officer, agent, conductor, representative or any employe of any railroad, railroad corporation or common carrier who shall aid or abet any such railroad, railroad corporation or common carrier in the violation of this act by selling, charging or collecting for any ticket or transportation over any railroad any greater sum, charge or rate than that above specified shall be deemed personally guilty

of a violation of this act and, upon conviction, shall be punished as hereinafter provided. The sum of ten cents may be added to the legal fare when the same is paid on the cars, provided that a reasonable opportunity has been afforded to passengers to purchase tickets at the legal rate of fare before boarding the train.

§ 2. COMPULSORY TESTIMONY.] No person and no officer, agent, representative or employe of any railroad, railroad corporation or common carrier shall be excused from testifying or producing books and documents in his possession in relation to any violation of this act on the ground that such testimony, books or documents would tend to convict the person so testifying of a crime; but no person so testifying shall be liable to prosecution or punishment for any offense concerning which he has been required to testify or to produce books or documents.

§ 3. PENALTY.] Every such railroad, railroad corporation or common carrier violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars; and any agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days, or by both such fine and imprisonment in the discretion of the court.

§ 4. REPEAL.] All acts and parts of acts in so far as they conflict with this act are hereby repealed.

Approved March 13, 1907.

CHAPTER 200.

[H. B. No. 153—Shirley]

RECIPROCAL DEMURRAGE.

AN ACT to Regulate the Operation of Passenger and Freight Trains Over Railway Lines in This State, and to Regulate the Receipt, Transportation and Delivery of Freight by Common Carriers, and Providing Penalties for Violations of the Act.

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

§ 1. DAILY LOCAL PASSENGER TRAINS. PENALTY FOR FAILURE TO RUN.] It shall be the duty of every railroad corporation operating a line or lines of railroad within this state, except branch lines that may hereafter be constructed, whether such lines are wholly or partly within this state and partly within other states

or foreign country, to move over its line or lines of road within this state, each way on every business day of the year, at least one local passenger train to consist of not less than one engine and tender and combination mail, express and baggage car and two passenger coaches, and at least one freight train; provided, however, that if any railroad corporation shall make it appear to the board of railroad commissioners of this state that the business on any line of its road will not justify its operating both the passenger and freight train herein provided for and said board shall so order, such company may operate one mixed train on such line each way on every business day in the year for such time as said board may direct; provided, further, that such mixed train shall be supplied with not less than one passenger coach and one combination baggage and passenger coach for the accommodation of passengers. For each and every violation of the provisions of this section the railroad company shall be subject to a fine of five hundred dollars.

§ 2. RECEPTION OF FREIGHT. DEMURRAGE FOR DELAY IN SHIPMENT.] It shall be the duty of every railroad corporation operating its roads within this state to receive any and all freight offered to it, at any of its stations within this state for transportation to another point within this state, and to deliver to the person offering such freight for transportation a proper receipt therefor showing the time such freight is received, and such railroad corporation shall deliver such freight at its destination by the next schedule train; provided, such freight is offered to such railroad corporation between the hours of eight o'clock a. m. and five o'clock p. m. on any business day, and at least two hours before the time the next local freight train is scheduled to leave such station to the station or point where such freight is to be delivered; provided, further, that any articles of freight weighing one thousand pounds or more each shall be delivered at such station not less than four hours prior to the time that such scheduled train is due to depart; provided, further, that any condition in any contract made a part of any shipping bill, or receipt, which in any way purports to release such railroad corporation from its duty under this act shall be null and void; and provided, further, that any railroad corporation refusing or failing to deliver to such person so offering such freight such receipt when demanded, shall be liable to such person in the sum of one hundred dollars, and any railroad corporation failing or refusing to deliver such freight at its destination as herein provided, shall forfeit ten per cent of the charges for transporting such freight for each twenty-four hours that such freight is delayed; provided, further, that if such freight does not reach its destination for sixty hours after the scheduled time for its arrival, as herein provided, barring accidents and the elements, the consignee may refuse to receive same and such railroad corporation shall be liable to the owner for the

value of such freight, together with such damages as the parties may sustain by reason of such delays, same to be recovered in a civil action. Upon payment as above provided the railroad corporation shall become at once the absolute owner of said property.

§ 3. DEMURRAGE IN CASE OF DELAY IN CARLOAD SHIPMENTS.] Every railroad corporation operating a line or lines of road through or within this state shall furnish suitable cars for car load shipments of freight to any person, persons or corporation, applying therefor to any agent, within this state, of said railroad corporation, and such car or cars shall be placed in a suitable and convenient place for loading within seventy-two hours after application therefor has been made; provided, that no railroad company shall be required to furnish to any person or corporation more than two cars at any one time. Any railroad corporation failing or refusing to furnish such car or cars and failing or refusing to so place such car or cars in a suitable and convenient place for loading within seventy-two hours after such demand, and after the schedule time of its trains will enable it to deliver such car or cars, shall forfeit for each car so ordered to such person, persons or corporation the sum of two dollars for each and every twenty-four hours until such car or cars are so furnished; provided, however, that such person, persons or corporation applying for cars to be used wholly within this state shall, at the time of applying therefor, pay or tender to such railroad corporation not less than twenty per cent of the freight charges for such car according to said railroad corporation's published tariff.

§ 4. DEMURRAGE IN CASE OF DELAY IN CARLOAD SHIPMENTS WITHIN THE STATE.] Whenever any person, persons or corporation shall have loaded any car or cars for transportation wholly within this state, they shall at once deliver same to the railroad corporation by notifying it that said car or cars are ready for shipment and it shall be the duty of such railroad corporation to deliver to such person, persons or corporation a shipping bill, or receipt, for such car or cars, showing the time same was so delivered, and it shall be the duty of said railroad corporation to forward said car by its next scheduled local freight train leaving such station to the station or place to which such car or cars are to be delivered and to deliver same to its destination at the time designated in its schedule of trains for the line or lines over which said train shall pass and said railroad corporation shall forfeit to such shipper ten per cent of the freight on such car or cars for each twenty-four hours such car shall be delayed, as shown by the time same was received and the schedule time of such train or trains; provided, such car or cars were delivered to the railroad company at least three hours before the departure according to the schedule of such train or trains, and if such car or cars are not delivered within sixty hours after the time of arrival of the next scheduled local train after such car or cars are so delivered, barring accidents and

the elements, the consignee may refuse to accept same and such railroad corporation shall be liable to the owner for the value of the freight so shipped, together with such damages as the parties may sustain, same to be recovered in a civil action.

§ 5. DEFINITION OF PHRASES.] In the construction of this act, the phrase "railroad" shall be construed to include all common carriers, railroads and railways operated by steam, whether used or operated by the corporation owning them or by other corporations or otherwise. The phrase "railroad corporation" shall be construed to mean the corporation which constructs, maintains, uses or operates a railroad operated by steam power, and used for the transportation of persons or property, or leases cars by whatever name known to such railroad for such purposes.

§ 6. COSTS ALLOWED IN ACTION FOR VIOLATION OF LAW.] In any action commenced under this act the plaintiff shall in connection with the usual costs allowed in civil actions, be entitled to the same mileage and witness fees as any witness in the case, and the court shall allow a reasonable amount as an attorney's fee, same to be taxed as costs in this action; provided, however, that nothing in this act shall be construed to stop or hinder any person, persons or corporation from bringing suits against any corporation for any violation of all of the laws of this state, or of the United States, for the government of railroads.

§ 7. PROVISIONS OF ACT CUMULATIVE.] Nothing in this act contained shall in any manner be construed as repealing or in any manner altering any other act, or part of act, heretofore adopted by the legislature of this state, but the remedies herein provided shall be cumulative to all other remedies now existing.

Approved March 14, 1907.

CHAPTER 201.

[S. B. No. 34—McArthur]

BULLETINING OF PASSENGER TRAINS.

AN ACT to Provide for the Bulletining of the Time of Arrival of Passenger Trains.

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

§ 1. TIME SCHEDULE OF TRAINS.] Every corporation, company or person, operating a railroad within this state, shall, immediately after the taking effect of this act, cause to be placed in a conspicuous place in each passenger depot of such company, located at any station in this state, at which there is a telegraph office, a blackboard of suitable size, upon which such company or person

shall cause to be written, at least thirty minutes before the schedule time for the arrival of each passenger train stopping upon such route at such station, the fact whether such train is on schedule time or not, and if late, how much, and the figures on said black-board shall be changed at intervals of one hour to correspond with the facts until the arrival of such delayed train; provided, also, that any passenger trains not more than fifteen minutes late shall be deemed to be on time as to the operation of this act.

§ 2. PENALTY FOR FALSE REPORTS OR FAILURE TO BULLETIN TRAINS.] For each violation of the provisions of this act in failing to report, or in making a false report, such corporation, company or person, so failing or refusing to comply with the provisions of this act, shall forfeit and pay the sum of twenty-five dollars, together with all taxable costs, to be recovered in a civil action to be prosecuted by the state's attorney of the county in which the neglect or refusal occurs, in the name of the state of North Dakota, which shall be paid over to the county in which such proceedings are had, and shall be a part of the common school fund.

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

§ 4. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect and be in force on and after its passage and approval.

Approved March 19, 1907.

CHAPTER 202.

[H. B. No. 34—Storey]

STOPPING TRAINS AT COUNTY SEATS.

AN ACT to Amend Section 4302 of the Revised Codes of North Dakota, of 1905, Relating to Stopping of Trains at County Seats.

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

§ 1. AMENDMENT.] Section 4302 of the revised codes of North Dakota, of 1905, is hereby amended and re-enacted to read as follows:

§ 4302. STOP AT COUNTY SEATS. PENALTY.] Every person, company or corporation operating a railroad within or through this state shall cause all its regular passenger trains to stop, upon the arrival at its station, at each county seat through or by which such trains run, a sufficient length of time to receive and let off passengers with safety; provided, that where any railroad operating three or more regular passenger trains in each direction

daily, the provisions of this act shall not apply to one of such trains each way. Every person, company or corporation failing to comply with the provisions of this section shall be subject to a penalty of five hundred dollars, to be recovered in a civil action in the name of the state, and 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 prosecute such action on behalf of the state.

Approved March 13, 1907.

CHAPTER 203.

[S. B. No. 276—Gilbert]

FELLOW SERVANT ACT.

AN ACT Relating to Liability of Common Carriers to Their Employes.

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

§ 1. LIABILITY OF COMMON CARRIERS.] Every common carrier shall be liable to any of its employes, or in case of the death of an employe, to his personal representative, for the benefit of his widow, children or next of kin, for all damages which may result from the negligence of any of its officers, agents or employes, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works.

§ 2. CONTRIBUTORY NEGLIGENCE NO BAR TO RECOVERY, WHEN.] In all actions hereinafter brought against any common carrier to recover damages for personal injuries to an employe, or where such injuries have resulted in his death, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery, where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employe. All questions of negligence and contributory negligence shall be for the jury.

§ 3. CONTRACTS TO AVOID LIABILITY VOID.] No contract of employment, insurance, relief benefit or indemnity for injury or death entered into by or on behalf of any employe, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto shall constitute a bar or defense to any action brought to recover damages for personal injuries to or death of such employe; provided, however, that upon the trial of said action against any common carrier, the defendant may set off

therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been made to the injured employe, or in case of his death, to his personal representative.

§ 4. TIME OF ACTION LIMITED.] No action shall be maintained under this act unless commenced within one year from the time the cause of action accrued.

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

Approved March 15, 1907.

CHAPTER 204.

[S. B. No. 277—Sharpe]

RAILROAD RIGHT-OF-WAY.

AN ACT Providing the Manner in Which the Right-of-Way for Railroad Companies Over Lands Belonging to Wards or Deceased Persons May Be Acquired.

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

§ 1. HOW SECURED.] Whenever any railroad company has located the line of its road upon or contiguous to any land belonging to any decedent or ward, or in which the decedent or ward may have any interest, it shall be lawful for the executor, administrator or guardian to agree in writing and settle and adjust the damages, with the railroad company, to said land by reason of the location of said railroad, and the executor, administrator or guardian may in such agreement grant to the railroad company such right-of-way as shall be necessary and required by such railroad company, and upon such terms and conditions as may be agreed upon between the executor, administrator or guardian and said railroad company, subject to the approval of the county court.

§ 2. PETITION FILED.] Such approval may be obtained upon filing in the county court a verified petition of the railroad company and the executor, administrator or guardian, setting forth the name of the decedent or ward, the corporate name of the railroad company, a description of the land to be used or taken, and for what purpose, the amount to be paid, and that such amount is the full value of the lands so taken, and the damages to the remainder of the lands. To such petition shall be attached or indorsed thereon the agreement mentioned in section one of this act.

§ 3. DUTY OF COUNTY COURT.] Upon the filing of such petition and agreement, the court shall proceed to hear and determine the same in a summary manner, without notice, and if the court is

satisfied after a full hearing, that said agreement is just and equitable, it shall record such petition and agreement, and make an order approving such agreement; and thereafter such executor, administrator or guardian, upon payment being made by the railroad company of the consideration therefor as specified in said order, shall thereupon convey to the railroad company, for railroad purposes, the piece or parcel of land in said agreement and order described. A copy of said order and agreement duly certified by the county court, may be filed in the office of the register of deeds of the county wherein such land is situated and when so filed shall be notice to all persons.

§ 4. EMERGENCY.] Whereas, the present laws of this state make no provisions for the acquiring of right-of-way for railroads over the lands of wards and deceased persons, therefore an emergency exists, and this act will take effect and be in force from and after its passage and approval.

Approved March 19, 1907.

CHAPTER 205.

[S. B. No. 10—Spoonheim]

RAILROAD COMPANIES REPORT WRECKS.

AN ACT Requiring Railroad Companies to Report All Wrecks and Casualties Wherein Any Person Is Injured or Killed, to the Railroad Commissioners.

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

§ 1. DUTY TO REPORT.] It shall be the duty of every railroad company operating a line of railway in this state to report to the railroad commissioners of this state all accidents, wrecks or casualties occurring in the operation of trains on said line or lines of railway within this state, coming within the knowledge of the company, wherein any person is either killed or injured, within reasonable time, not exceeding sixty days, in such form as the railroad commissioners may require.

§ 2. RAILROAD COMMISSIONERS EXAMINE INTO CAUSES OF WRECKS. MAKE REPORT TO LEGISLATURE.] Whenever any such report is made to such railroad commissioners they shall forthwith examine into the causes and circumstances of such wreck, accident or casualty, and it shall thereupon be the duty of said railroad commissioners to order such railroad company to comply with any reasonable requirements prescribed by said railroad commissioners, calculated to prevent the recurrence of any such wreck, accident or casualty, and it shall be the duty of said railroad commissioners

to report to the legislature biennially a summarized statement of all wrecks, accidents or casualties that have come to their knowledge by reason of this act, together with a recommendation of such additional legislation as they deem proper for the greater protection of passengers and employes of such railroads.

§ 3. PENALTY FOR VIOLATION.] Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars, nor more than two thousand dollars, or imprisonment in the county jail for not less than thirty days, nor more than one year, or shall suffer both such fine and imprisonment in the discretion of the court.

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

Approved March 7, 1907.

CHAPTER 206.

[H. B. No. 137—O. J. Sorlie]

USE OF RAILROAD TRACKS.

AN ACT Relating to the Use of Railroad Tracks for Highway Purposes.

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

§ 1. UNLAWFUL. EXCEPTION.] It is hereby made unlawful for any person when riding or driving or leading any animal or animals, and whether the same be or be not attached to any vehicle or sleigh, to drive upon or use any railroad track in this state as a highway; provided, however, this section shall not apply to highway crossings over any line of railway in the state, nor to depot grounds, station grounds, nor switches and sidetracks intended for the use of shippers or the consignees of freight.

§ 2. PENALTY.] Any person violating the provisions of this act shall be guilty of a misdemeanor.

§ 3. EMERGENCY.] Whereas, an emergency exists in this, to wit: that many persons are using the tracks of railroads in this state as public highways, thereby endangering both their own safety and the safety of passengers and trainmen upon trains running upon said railroads, therefore an emergency exists, and this act shall take effect upon its passage and approval.

Approved March 12, 1907.

CHAPTER 207.

[S. B. No. 40—Spoonheim]

HOURS OF SERVICE OF RAILWAY EMPLOYEES LIMITED.

AN ACT to Promote the Safety of Employes and Travelers upon Railways by Limiting the Hours of Service of Employes Thereon, and Making the Violation Thereof a Misdemeanor, Providing a Punishment Therefor, Requiring Railroad Commissioners to Investigate the Same and Notify the Attorney General Thereof, Whose Duty It Shall Be to Prosecute the Same.

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

§ 1. HOURS LIMITED.] It shall be unlawful for any railroad, railroad corporation or common carrier, engaged in commerce in whole or in part within this state, or any of its officers or agents, to require or permit any employes engaged in or connected with the movement of any train in which commerce is hauled within the state, or to require or permit any employe engaged in or connected with the movement of any train carrying freight or passengers within the state, to remain on duty more than sixteen consecutive hours, except when by casualty, storms, wrecks, washouts, snow blockades or any unavoidable delay arising from like causes he is prevented from reaching his terminal; or to require or permit any such employe who has been on duty sixteen consecutive hours to go on any duty without having at least eight hours' rest.

§ 2. PENALTY.] Any such railroad, railroad corporation, common carrier, or any of its officers or agents, violating any of the provisions of this act shall be deemed guilty of misdemeanor and shall, upon conviction thereof in any district court of the state of competent jurisdiction, be subject to a fine of not less than one hundred dollars nor more than one thousand dollars for each offense; and it shall be the duty of the railroad commissioners to fully investigate all cases of any violation of this act and said railroad commissioners shall forthwith notify the attorney general of such violation thereof as may come to their knowledge, and it shall be the duty of the attorney general to prosecute or cause to be prosecuted all violations thereof.

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

Approved March 8, 1907.

CHAPTER 208.

[H. B. No. 291—Law]

SECURING TRANSPORTATION FRAUDULENTLY.

AN ACT Making It a Misdemeanor for an Employee to Obtain Railway or Other Transportation, or the Benefit of Other Advancements Made by Employers to be Thereafter Repaid in Labor, to Refuse to Perform Such Labor or Repay Such Advancements and Providing for Punishment Thereof.

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

§ 1. FRAUD TO SECURE TRANSPORTATION, WHEN.] Every employe who, with intent to defraud, shall accept or receive transportation provided by or at the instance or expense of his employer, from any point in this state to or in the direction of the place where he has contracted to perform labor for or render services to such employer, or who shall knowingly or with intent to defraud accept or receive the benefit of any other pecuniary advancements made by or at the instance and cost of his employer under an agreement on the part of such employe to perform labor or render services in repayment of the cost of such transportation or of such other benefits, shall be deemed and adjudged [guilty] of a misdemeanor if he shall neglect or refuse to render services or perform labor of an equal value to the full amount paid for such transportation or other benefits, or shall neglect or refuse to pay such employer in money the amount paid therefor. The value of the services to be rendered or labor to be performed shall be determined by the price agreed to be paid therefor by such employer under his contract with the employe. The failure or refusal of any such employe to perform such labor or to render such services in accordance with his contract or to pay in money the amount paid for such transportation or other benefits shall be prima facie evidence of his intent to defraud.

§ 2. PENALTY.] Every person found guilty of such misdemeanor shall be punished by a fine not exceeding twenty-five dollars and by imprisonment of not less than ten nor more than sixty days.

§ 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 that there is now no law in this state covering the provisions of this act, same shall take effect from and after its passage and approval.

Approved March 13, 1907.

CHAPTER 209.

[H. B. No. 7—Mockler]

CATTLE GUARDS AT RAILROAD CROSSINGS.

AN ACT Requiring Railway Companies Owning or Operating a Line of Railway in This State to Construct, Maintain and Keep in Repair Suitable Fences and Cattle Guards, Making Said Company Liable for Stock Killed or Injured by Reason of its Failure to Fence and Construct Cattle Guards and Regulating Speed of Trains at Depot Grounds.

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

§ 1. CATTLE GUARDS, HOW CONSTRUCTED. SPEED OF TRAINS AT DEPOT GROUNDS.] All railway corporations owning or operating a line of railway within this state shall construct, maintain and keep in repair a suitable fence of posts and barb wire, or posts and boards, on each side of the track so connected with cattle guards at all public road crossings as to prevent cattle, horses and other live stock from getting on the railroad tracks; such fence when of barb wire shall be of five wires securely fastened to posts set not more than twenty feet apart, the top wire not to be less than fifty-four inches high, said wires to be not more than fourteen inches apart; or of five boards securely fastened to posts set not more than eight feet apart, said fence to be not less than fifty-four inches high and the boards not more than one foot apart. Any corporation operating a railroad and failing to fence same against live stock running at large and maintaining proper and sufficient cattle guards at all points where the right to fence or maintain cattle guards exists shall be liable to the owner of any stock killed or injured by reason of the want of such fence or cattle guard for the full amount of the damages sustained by the owner on account thereof, unless it was occasioned by his grossly negligent act or that of his agent, and to recover the same it shall only be necessary for him to prove the loss of or injury to his property. If such corporation fails or neglects to pay such damages within ninety days after notice in writing that a loss or injury has occurred accompanied by an affidavit thereof served upon an officer or a station or ticket agent employed by said corporation in the county where such loss or injury occurred such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by him, and twenty-five dollars as attorney's fee when it shall be adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed. No law of the state or any local, or police regulations of any county, township, city or town relating to the restraint of domestic animals, or in relation to the fences of farmers or land owners shall be

applicable to railway tracts unless specifically so stated in such law and regulation. Upon depot grounds necessarily used by the public and the corporation the operating of trains at a greater rate of speed than eight miles an hour where no fence is built shall be negligence and shall render such corporation liable for all damages occasioned thereby in the same manner and to the same extent except as to double damages, as in cases where the right to fence exists.

Approved March 14, 1907.

CHAPTER 210.

[H. B. No. 168—Anderson of Grand Forks]

LIGHTING OF DEPOT PLATFORMS.

AN ACT to Provide for the Lighting of Depot Platforms.

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

§ 1. RAILROAD DEPOT LAMPS MUST BE PROVIDED.] All railroad companies using steam as a motor power and engaged in the business of carrying passengers to and from stations located in this state shall provide for the lighting of each and every depot platform used by passengers in getting on and off from trains. At least one lamp, with a lighting power equal to that of the ordinary street lamp shall be placed at each end of each and every said platform. During the hours of night said lamp or lamps shall be lighted for a period of at least one hour before and thirty minutes after the arrival of each and every train, providing that said train stops at such depot or platform for the purpose of letting passengers on and off.

§ 2. PENALTY.] In each and every town, village or city where a railroad company violates the provisions of section one of this act, such company shall upon conviction thereof be subject to a fine of not less than five dollars nor more than ten for each and every day during the time such violations continue to be made, said fine to be recovered in civil action by any competent court and it is hereby made the duty of the attorney general and the various state's attorneys of the counties wherein such violations take place to prosecute the violators of this act.

Approved March 13, 1907.

CHAPTER 211.

[S. B. No. 273—McArthur]

CONSTRUCTION OF "Y'S."

AN ACT to Amend Section 4392 of the Revised Codes of the State of North Dakota for 1905, Relating to the Construction of "Ys" and Transfer Facilities at Railroad Crossings, and Providing a Penalty for the Violation Thereof.

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

§ 1. AMENDMENT.] Section 4392 of the revised codes of the state of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 4392. CONSTRUCT "YS."] In all cases where any line of railroad shall cross or intersect any other line of railroad 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 facilities, such as building a "Y" or other tracks, and connections for transferring cars and traffic of all kinds and classes, or cars from one line of railroad to another; and to maintain the same and afford equal and reasonable facilities for the interchange of cars and traffic between respective lines, the expense of constructing and maintaining such "Y" or track to be borne equally between each such railroad company, or in such proportion as they may agree upon.

§ 2. PENALTY FOR FAILURE. DUTY OF ATTORNEY GENERAL AND STATE'S ATTORNEY.] Any person or corporation owning or operating any railway within this state, who shall fail to comply with the provisions of section one of this act within sixty days after the taking effect thereof, or any person or corporation which shall own or operate any railroad hereafter constructed and who shall fail to comply with the provisions of section one of this act within sixty days after any such crossing or junction shall have been constructed, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of one hundred dollars for each day during which it fails to comply with the provisions of section one, and it shall be the duty of the attorney general, or the state's attorney of any county in which such "Y" or other tracks should be constructed and maintained, to commence and prosecute all actions necessary for the enforcement of this act and the recovery of such penalty; provided, that no railroad company shall be compelled to put in such "Y" or other tracks between the fifteenth day of November and the fifteenth day of May of any year, when it cannot be done without grading; provided, that the provisions of

this act shall not apply to railroads where the crossing is by trestle bridge.

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

Approved March 19, 1907.

CHAPTER 212.

[H. B. No. 318—O. J. Sorlie]

URBAN ELECTRIC RAILWAYS.

AN ACT to Grant to Urban Electric Railways All of the Rights, Privileges and Power Granted to Steam Railways.

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

§ 1. GRANTED RIGHT OF CONDEMNATION.] 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.

§ 2. EMERGENCY.] Whereas, an emergency exists in this, that there is now no law on the statute book for the incorporation and operation of urban electric railways, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.