

RAILROADS

CHAPTER 202.

[H. B. No. 154—Gunthorpe.]

RAILROADS TO BUILD FENCES.

AN ACT to Amend Section 4646 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Duty of Railroads to Build and Maintain Fences.

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

§ 1. AMENDMENT.] That Section 4646 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 4646. WHEN REQUIRED TO FENCE.] Any person, persons or corporation owning land by or through which any railroad has been or may be constructed, who has enclosed or may enclose the same or any part thereof, and adjacent to the line of such a railroad, with either a good and sufficient fence or a hog-tight fence, may demand of such railroad company that it enclose its line next thereto with a good and sufficient fence or a hog-tight fence, corresponding in class of fence to that maintained by the owner, and maintain the same in good repair and condition until released therefrom by the owner of said tract or until the owner of said tract shall have ceased for one year to maintain in good condition and repair his portion of the fence around such enclosure. *Provided*, that the following shall constitute a hog-tight fence for the purpose of this Act: 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 six-

teen 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. Approved, February 20, 1915.

CHAPTER 203.

[H. B. No. 6—Noyes.]

CLEANING OF CATTLE CARS.

AN ACT to Provide for the Sanitation, Disinfection, and Cleaning of Railway Cars Used for Transportation of Live Stock, and Prescribing Penalties for the Violation Thereof.

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

§ 1. DUTY OF RAILROAD COMPANY TO CLEAN AND DISINFECT CARS.] It shall be the duty of every person, firm, company or corporation operating a railroad within the State of North Dakota to cause every railroad car that has contained live stock destined to any railway terminal or market center to be thoroughly cleaned by removing all litter, manure or refuse from said car, and cause said car to be disinfected in such manner as may be now or hereafter be approved by the Bureau of Animal Industry of the United States Department of Agriculture before being used for the transportation of live stock into this state.

§ 2. CERTIFICATES.] Any car loaded with live stock in accordance with the provisions of Section 1 of this Act shall have a certificate attached to the shipping bill in substantially the following form: "This is to certify that Car No..... this day loaded with live stock for transportation from.....to....., by....., the owner of said live stock, (or by..... the agent of said....., owner) was disinfected and cleaned before said live stock was loaded therein, as prescribed by law.

Given under my hand this.....day of....., 19...
.....
Agent for
Railway,N. D."

A duplicate of said certificate shall also be posted in a conspicuous place on said car. The failure to furnish and post said certificates shall be presumptive evidence of a failure to comply with Section 1 of this Act.

§ 3. PENALTY.] Any railway company violating any of the provisions of this Act by failing to disinfect and clean said car in the manner and at the time required herein, shall be guilty of a misdemeanor, and shall be fined in a sum not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars.

§ 4. EMERGENCY.] Whereas, an emergency exists in the fact that there is no adequate provision of law for the disinfection and

cleaning of railway cars used for the transportation of live stock into the State of North Dakota, this Act shall take effect and be in force from and after its approval and passage.

Approved, February 18, 1915.

CHAPTER 204.

[H. B. No. 159—Odland.]

RELATING TO STOCK YARDS.

AN ACT to Compel Railroad Companies to Maintain Suitable Stock Yards for the Convenience of the Public; to Restrain any Person from Using the Stock Yards for any Other Purpose than Shipping; and to Provide a Penalty for the Violation Thereof.

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

§ 1. Every railroad company operating in the State of North Dakota shall, when ordered by the Railroad Commissioners, erect and maintain at all stations, stock yards for the loading of live stock to be shipped over their line, and shall provide said yards with suitable sheds, feed racks, watering troughs and scales, and shall provide a supply of water, if practicable, connected directly with such watering troughs in said yards.

§ 2. No person shall use the railway company's stock yards for feeding or housing live stock when such live stock is not shipped or moved after receiving shipment within forty-eight hours without permission from the company.

§ 3. Any person or railroad company failing to comply with the provisions of Section 1 and Section 2 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

Approved, March 5, 1915.

CHAPTER 205.

[H. B. No. 398—Grow.]

RELATING TO CORPORATIONS.

AN ACT to Amend Section 4510 of the Compiled Laws of North Dakota for the Year 1913, Relating to Corporations.

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

§ 1. AMENDMENT.] That Section 4510 of the Compiled Laws of 1913 be amended to read as follows:

§ 4510. FEE IN CASE OF INCREASE OF STOCK.] No increase of

the capital stock of any corporation heretofore or hereafter formed, other than those excepted in the last Section, shall be valid until such corporation shall have paid into the state treasury the sum of five dollars for every ten thousand dollars, or fraction thereof, of such increase in the capital stock of such corporation; *provided*, that a railroad corporation, incorporated in one or more other states, shall be required to pay such fee on only such proportion of such increase in said railroad corporation's capital stock, as said railroad corporation's mileage in this state bears to the total mileage of said railroad corporation in the several states of its incorporation.

Approved, March 5, 1915.

CHAPTER 206.

[S. B. No. 178—Gronvold.]

PROHIBITING CHILDREN FROM TRESPASSING UPON RAILROAD PROPERTY.

AN ACT to Protect Minors from Accidents Resulting from Trespassing Upon the Premises or Right-of-Way of Railroad Companies and Giving Station Agents Powers of Peace Officers in Certain Cases, Prohibiting Minors not Having Business With Railroad Companies from Approaching in Close Proximity to the Yards or Rolling Stock of Such Companies and Providing a Penalty.

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

§ 1. APPROACHING CARS OR ENGINES.] No person under fifteen years of age, unless accompanied by parent or guardian, not having business with the railroad company requiring him so to do, shall approach closer than ten feet to any engine, car, train or other rolling stock upon the tracks or in the yards, bridges or terminals of any railway company in this state.

§ 2. ENTERING UPON PREMISES OF RAILROADS.] No person under fifteen years of age, unless accompanied by parent or guardian, shall enter any round house, shops, yards or bridges upon the railway tracks, the right-of-way or other places of danger owned by railway companies within the state unless such minor has business calling him to such places.

§ 3. NOTICES POSTED.] Every railway company in this state shall post in conspicuous places upon its round houses, shops and other dangerous places suitable placards and signs warning trespassers under this Act having no immediate business with such railway company to keep off their premises.

§ 4. AGENTS, PEACE OFFICERS.] The station agents of railway companies, while on duty in this state as such agents, are hereby invested with the authority of peace officers of the state. They

may arrest such minors for playing or trespassing on the right-of-way or premises of such railway companies; such arrests, however, shall not be made by such agents unless the railway company has complied with the provisions of this Act relating to the posting of notices, warnings, signs and placards. Agents acting as peace officers shall not receive any fee for arrests made according to the terms of this Act. If any station agent makes arrests contrary to the provisions of this Act, his principal, upon conviction thereof, shall be liable to the person arrested in damages for false imprisonment.

§ 5. *Provided*, nothing in this Act shall be construed as diminishing in any way the liability of railroad companies in case of accident.

§ 6. PENALTY.] Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one dollar nor more than five dollars.

Approved, March 4, 1915.

CHAPTER 207.

[S. B. No. 216—Wartner.]

EMPLOYERS' LIABILITY.

AN ACT Relating to the Liability of Common Carriers by Railroad to their Employees in Certain Cases.

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

§ 1. That every common carrier by steam railroad, while engaged in commerce to which the regulative powers of the state extends under the Constitution of the United States, and of the State of North Dakota, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow, or husband, or children of such employee, and if none, then to the next of kin dependent upon such employee, if such injury or death resulting in the whole or in part from the negligence of any officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, road-bed, works, boats, wharves, or other equipment.

§ 2. That in all actions hereafter brought against any such common carrier by a steam railroad under or by virtue of any of the provisions of this Act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that the employee had been guilty of contributory neg-

ligence, shall not bar a recovery; but the damages shall be diminished by the jury in proportion to the amount of negligence attributed to such employee. *Provided*, that no such employee who may be injured or killed, shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any state or federal statute enacted for the safety of employees, contributed to the injury or death of such employee.

§ 3. That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or death of any of its employees, such employee shall not be held to have assumed the risk of his employment, in any case where the violation by such common carrier of any state or federal statute enacted for the safety of employees, contributed to the injury or death of such employees.

§ 4. That any contract, rule, regulation, or devise whatsoever the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this Act, shall, to that extent, be void. *Provided*, that in any action brought against such common carrier, under or by virtue of any of the provisions of this Act, such common carrier may set off therein, any sum it has contributed or paid to any insurance relief benefit or indemnity that may have been paid to the injured employee or to the person entitled thereto on account of the injury or death, for which said action was brought

§ 5. That no action shall be maintained under this Act, unless commenced within two years from the date the cause of action accrued.

§ 6. That the term common carrier as used in this Act, shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

§ 7. That any right of action given by this Act to a person suffering injury shall survive to his or her person represented for the benefit of the surviving widow or husband and children of such employee, and if none, then to such employee's parents, and if none, then to the next of kin dependent upon such employee; but in such case, there shall be only one recovery for the same injury.

§ 8. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved, March 11, 1915.