

§ 319. REDEMPTION BEFORE RE-SALE.] In all cases where the rights of a purchaser, his heirs or assigns, become forfeited under the provisions of this article, by failing to pay the amounts required, such purchaser, his heirs, or assigns, may, before the re-sale at public auction of the lands described in such contract, pay to the County Treasurer the amount of interest due and payable on such contract, and all costs which have been incurred in addition thereto, together with interest at the rate of six per cent per annum on the interest and costs so due from the date of delinquency to the date of payment, and such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns, and such contract from the time of such payment shall be in full force and effect, as if no forfeiture had occurred; provided, that after the rights of a purchaser, his heirs or assigns, shall have become forfeited under the provisions of this article, the Board of University and School Lands shall have the power, and it is hereby made their duty, to provide for the re-sale of said lands so forfeited if in their opinion a re-sale of said land shall be most advantageous to the state, otherwise the said Board shall provide for the leasing of said land from year to year as herein provided, and after a lease of said land shall be made by said Board, the lessee, his heirs and assigns shall be entitled to the full and absolute possession of all said lands and premises so leased.

§ 2. EMERGENCY.] This Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 9, 1925.

RAILROADS

CHAPTER 180

(S. B. No. 98—Benson.)

MAXIMUM LIGNITE RATE WITHIN NORTH DAKOTA

An Act Fixing the Maximum Rate that Railroad Companies may Charge for the Transportation of Lignite within the State of North Dakota. *Be It Enacted by The Legislative Assembly of the State of North Dakota:*

§ 1. MAXIMUM RATES.] All railroad companies doing business as common carriers within the State of North Dakota shall charge for the transportation in carload lots within the State of North Dakota of Lignite not more per ton of two thousand pounds than the following rates, to-wit:

§ 2. The rates herein fixed and established shall apply only to the transportation of lignite, and shall in no manner be construed as

applying to rates to be charged for the transportation of coal within the State of North Dakota.

Distances	Rates in cents per Ton of 2,000 lbs.	
	For Application on single line hauls.	For Application on hauls over two or more lines
30 miles and under	\$.61	.73
40 miles and over 30 .....	.61	.85
50 miles and over 40 .....	.73	.97
60 miles and over 50 .....	.73	.97
70 miles and over 60 .....	.73	.97
80 miles and over 70 .....	.85	1.09
90 miles and over 80 .....	.97	1.09
100 miles and over 90 .....	.97	1.22
110 miles and over 100 .....	.97	1.22
120 miles and over 110	1.09	1.22
130 miles and over 120	1.09	1.22
140 miles and over 130	1.09	1.34
150 miles and over 140	1.22	1.34
160 miles and over 150	1.22	1.34
170 miles and over 160	1.22	1.46
180 miles and over 170	1.34	1.58
190 miles and over 180	1.34	1.58
200 miles and over 190	1.34	1.70
210 miles and over 200	1.46	1.70
220 miles and over 210	1.46	1.70
230 miles and over 220	1.58	1.82
240 miles and over 230	1.58	1.82
250 miles and over 240	1.70	1.82
260 miles and over 250	1.70	1.94
270 miles and over 260	1.70	1.94
280 miles and over 270	1.82	1.94
290 miles and over 280	1.82	2.07
300 miles and over 290	1.82	2.07
310 miles and over 300	1.94	2.07
320 miles and over 310	1.94	2.07
330 miles and over 320	1.94	2.19
340 miles and over 330	2.07	2.19
350 miles and over 340	2.07	2.19
360 miles and over 350	2.07	2.19
370 miles and over 360	2.19	2.31
380 miles and over 370	2.19	2.31
390 miles and over 380	2.19	2.31
400 miles and over 390	2.19	2.31

§ 3. Joint rates shall be based on continuous mileage via shortest available routes where there are track connections.

§ 4. 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.

§ 5. 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.

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

Approved February 17th, 1925.

CHAPTER 181

(H. B. No. 144—Oberg.)

SIGNS FOR RAILROAD CROSSINGS, STREETS AND PUBLIC HIGHWAYS

An Act Providing for the Manner of Constructing Crossings, and For the Construction and Maintenance of Certain Signs at the Crossings of Railroads, Streets and Public Highways, and Regulating the Use of Such Crossings by the Public, and For the Establishment, Vacation and Re-location of Such Crossings and For the Protection of Dangerous Railroad Grade Crossings.

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

§ 1. When the term "grade crossing" is used in this act it shall mean the intersection of a public highway and of the track or tracks of any railroad, however operated, on the same plane or level, except street railways within city or village limits. When the term "commission" is used in this act it shall mean the Board of Railway Commissioners of the State of North Dakota.

§ 2. The commission is hereby authorized and required to adopt and prescribe uniform warning signs for use at grade crossings in this state which will furnish adequate warning of the existence and nature of such grade crossings and to make regulations as

to the place of installation. There shall be at least three distinct types of such warning signs, to-wit: a home crossing sign, for use in the immediate vicinity of the crossing, and approach crossing sign, to indicate the approach to a grade crossing, and a stop sign, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing, according to the provisions of this act.

§ 3. At each grade crossing in this state hereafter established and at each grade crossing where and when the existing crossing signs are replaced the railway company operating the railroad thereat shall erect and maintain on the highway on each side of the railroad track or tracks and within a distance of 75 feet from the nearest rail, one or more of such uniform home crossing signs.

§ 4. At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home signs, such approach warning signs shall be installed. The commission is hereby authorized to designate any such grade crossings requiring such additional signs on either or both sides of said crossing. When any such crossing is designated by the commission as requiring such additional protection it shall notify the railway company operating the railroad thereat and the public authorities having the care of the highway. Such railway company shall, within 30 days after such notification, furnish such uniform signs to such public authorities, and such public authorities shall erect said signs in conspicuous places on said highway on either or both sides of such grade crossing, as the case may be, not less than 200 feet from said crossing and shall thereafter maintain the same.

§ 5. At each grade crossing where, because of the dangers attendant upon its use, the reasonable protection to life and property makes it necessary for all persons approaching the same to stop before crossing the railroad tracks thereat, such stop signs shall be installed. The commission is hereby authorized to designate any such crossing requiring such additional protection as a stop crossing, and shall notify the railway company operating the railroad thereat of such designation. Within 30 days after such notification it shall be the duty of such railway company to erect such uniform stop crossing signs in conspicuous places on each side of said crossing.

§ 6. Whenever any vehicle carrying school children, explosives or inflammable liquids, or passengers for hire, or any trucks or any vehicle having in tow any other vehicle or equipment, or any vehicle

of the tractor or caterpillar type, approaches any grade crossing, it shall be the duty of the driver thereof to bring the same to a complete stop before reaching the railroad track and before crossing said track to ascertain when such crossing can be made in safety.

§ 7. It shall be the duty of any person controlling the movement of any other vehicle than those mentioned in Section 6 hereof, upon approaching any grade crossing to reduce the speed of such vehicle to such a rate that it can be brought to a full stop in case of necessity before reaching the nearest rail of the railroad track and to cautiously proceed over said crossing at a speed not to exceed ten miles per hour.

§ 8. The commission, upon written application made to it by the State Highway Commission, the Board of County Commissioners of any county, the Board of Supervisors of any township, or upon its own motion, shall investigate and determine whether any railroad grade crossing over any state, county or township highway in the state is dangerous to life and property and needs further protection than above set out, and may order the same protected in any manner it may find reasonable and proper, including requiring the railroad company to separate the grades. In such cases, the Board of Railway Commissioners shall give the railroad company interested such notice of said investigation as it deems reasonable and an opportunity to be heard before any order is made. The railroad company interested may, within thirty days after the service of a copy of such order upon it, appeal to the District Court of the county within which such crossing is situated.

§ 9. It shall be the duty of the commission, so far as practicable, to secure uniformity in the devices used to protect grade crossings. No such devices shall be hereafter installed until the same have been approved by the commission. All such devices which are now in use or which may be hereafter installed, which, in the opinion of the commission, conflict with the devices approved by the commission, either in their design or method of operation, so as to create a hazardous condition to travel at such crossing, shall be immediately modified by the railway company controlling the same so as to conform to those approved by the commission.

§ 10. Whenever it is desired, either by the public officials having the necessary authority or by the railway company operating the railroad, to vacate or re-locate any crossing of a public highway and a railroad, or separate grades, and an agreement cannot be reached between such public officials and the railway company, either as to the necessity for such vacation or re-location or separation of grades, as to the place, manner of construction, or a reasonable division of expense in the case of a re-location or separation of grades,

either party may file a petition with the commission, setting forth the facts and submitting the matter to it for determination; whereupon the commission, after such notice as it shall deem reasonable, shall conduct a hearing and issue its order determining whether there should be a vacation or re-location of the crossing in question or a separation of grades, and dividing the expense of such vacation, re-location or separation of grades.

§ 11. The commission may require any railroad company to construct overhead and maintain underground crossings and separate grades when, in its opinion, the interests and safety of the public require, and apportion the cost therefor in such manner as the commission may deem proper, and no overhead or underground crossing, nor separation of grades, shall be made except upon petition therefor to the commission, and with the approval of the commission.

§ 12. No person, firm or corporation shall place or maintain any advertising sign or other similar obstruction upon, over or adjacent to any highway between any such approach sign and the grade crossing which it marks, nor shall any person, firm or corporation place or maintain, upon, over or adjacent to any public highway in this state any sign or symbol in any manner resembling the signs provided for in this act.

§ 13. It shall be unlawful for any person to maliciously injure, remove, displace, deface or destroy any of the signs or signals provided for in this act.

§ 14. The violation of the duties imposed under sections 6 and 7 of this act shall not affect the right of any person to recover damages for an injury; provided such person was exercising due care at the time of such injury, but such person shall be liable to a fine of not to exceed ten dollars (\$10.00) for each such violation.

Approved March 7th, 1925.

CHAPTER 182
(H. B. No. 84—Fine.)

SPECIAL FREIGHT RATES

An Act Empowering the Board of Railroad Commissioners to Order, Authorize and Permit Common Carriers to Publish and Charge Special Freight Rates, Classifications, Rules and Regulations, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

§ 1. The Board of Railroad Commissioners shall have the power to order, authorize and permit any railroad, railroad cor-

poration or common carrier to publish, apply and charge in connection with the transportation of commodities from or to certain points within the state, different rates, classifications, rules and regulations than are published, applied and charged in connection with the same commodities from or to other points within the state. This chapter shall apply to rates, classifications, rules and regulations in connection with one or more common carriers either singly or jointly.

§ 2. Provided, however, before any existing rate as contemplated by this act is changed, or new rate established, reasonable notice shall be given by the Board of Railroad Commissioners to the carrier or carriers affected, to the public and any industries liable to be affected, and to the people of the communities in which such industries are located and reasonable time and opportunity shall be given all such interests to appear and present facts bearing upon the propriety of making any proposed change or establishing any new rate.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect on and after its passage and approval.

Approved March 7th, 1925.

CHAPTER 183

(H. B. No. 91—Loudenbeck.)

STOCK YARDS

An Act To Amend and Re-enact Section 1, Chapter 204, Session Laws of 1915, Being an Act to Compel Railroad Companies to Maintain Suitable Stock Yards.

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

§ 1. That Section 1 of Chapter 204, Session Laws of 1915 is hereby amended and re-enacted so as to read, as follows:

§ 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 livestock to be shipped over their line, and shall provide said yards with enclosed and suitable sheds, feed racks, watering troughs and scales,

and shall provide a supply of water, connected directly with such watering troughs in said yards.

§ 2. All Acts, and parts of Acts, in conflict herewith, are hereby repealed.

Approved March 10, 1925.

REGISTRARS

CHAPTER 184

(H. B. No. 268—Arduser-Sagen.)

FEES OF LOCAL REGISTRARS

An Act To Amend and Re-enact Section 453 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Fees of Local Registrars to Read as Follows:

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

§ 1. AMENDMENT.] That Section 453, Compiled Laws of North Dakota for the year 1913, be, and the same is hereby, amended and re-enacted to read as follows:

§ 453. FEES OF REGISTRARS.] Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and duly returned by him to the State Registrar, as required by this act; provided, that in cities in which the City Clerk or Health Officer, acting as Registrar, receives a fixed salary of \$100.00 per month or more in lieu of fees, no further compensation shall be paid for the duties required by this act. In case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with the directions of the State Registrar. All amounts payable to registrars under provisions of this section shall be paid by the county in which the registration districts are located upon certification by the State Registrar, and the State Registrar shall annually certify to the auditors of the several counties the number of births and deaths registered with the names of local registrars and the amounts due each at the rates fixed herein. (1907, Ch. 270, Sec. 20.)

Approved March 10, 1925.