

aforesaid, shall upon conviction thereof be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars for each and every offense.

SEC. 2. This act shall take effect and be in force from and after April 1, 1872. When act to  
take effect.

Approved March 4, 1872.

## CHAPTER XXV.

*An Act to compel all Railroad Companies within this State to build proper Cattle Guards and Fences.* February 27,  
1872.

- SECTION 1. Railroad companies to build cattle guards at wagon crossings.
2. Liability for domestic animals killed by negligence or failure to build cattle guards.
  3. Manner recovering damages.
  4. Railroad companies to pay tribute damages caused by neglect to fence road according to charter.
  5. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. All railroad companies in this state shall within six months from and after the passage of this act, build or cause to be built good and sufficient cattle guards, at all wagon crossings, and good and substantial fences on each side of such road.

SEC. 2. All railroad companies shall be liable for domestic animals killed or injured by the negligence of such companies and a failure to build and maintain cattle guards and fences as above provided shall be deemed an act of negligence on the part of such companies.

SEC. 3. If any railroad company shall neglect or refuse to pay the actual damages occasioned by such killing of or injury to domestic animal, for the space of thirty days after

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Cattle guards  
at wagon crossings.

Liability for  
negligence.

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Damages recovered.

such damage occurs and the same shall be recovered by action, then in case such action shall be pending in the district court, double the costs allowed by law together with disbursements, shall be recovered in such action against such company, and in case such action be maintained before a justice of the peace, the sum of ten dollars costs shall be recovered against said company, provided, that the said company within the time above mentioned or before the commencement of an action may tender to the person or persons injured, such an amount as they are willing to pay, and if such amount is refused and the person or persons so injured fail to recover a greater amount than the sum so tendered he cannot recover costs and disbursements.

Treble damages, when.

SEC. 4. Any company or corporation owning and operating a line of railroad within this state, and which company or corporation has failed and neglected to fence said road and to erect crossings and maintain cattle guards as required by the terms of its charter and the amendments thereof shall hereafter be liable in case of litigation for treble the amount of damages suffered by any person in consequence of such neglect, to be recovered in a civil action or actual damages if paid within ten days after notice of such damages.

When act to take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.