

ted as to facilitate and expedite the driving and handling logs and lumber upon the stream upon which the same may be erected, and the corporation making such improvements hereunder shall have no right to stop logs destined for points below its works on said stream except where dams have been constructed to accumulate water for sluicing logs and flushing the river below the same, and in such case shall not detain logs in any part of the river so as to form a jam or prevent the prompt delivery of logs destined for points below the works constructed under authority of this act.

SEC. 3. The provisions of this act shall apply as well to corporations heretofore organized for the purposes specified in section two (2) of this act as to those hereafter organized for such purpose.

SEC. 4. All acts and parts of acts in any manner conflicting with terms of this act are hereby repealed.

When act to  
take effect.

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

Approved April 24, 1889.

## CHAPTER 222.

[H. F. No. 470.]

### AN ACT REQUIRING RAILWAY COMPANIES TO BUILD AND KEEP IN REPAIR HIGHWAY CROSSINGS.

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

Highway  
crossings.

SECTION 1. That all railway companies operating a line or lines of railways in this state, shall build or cause to be built and kept in repair good and sufficient crossings over such line or lines of railway at all points where any public highway is now or may hereafter be intersected by such lines of railway.

SEC. 2. A good and sufficient crossing as required to be built and kept in repair as denominated in section one (1) of this act, shall be, and is hereby construed to be as follows, to-wit:

Crossing  
defined.

First—Of a grade of earth on one or both sides of the railroad track as the location may require, a grade or grades of earth thirty-two (32) feet in width, the middle point of which shall be at the middle point of the highway, and such grade shall be of such slope as shall be deemed necessary by the chairman of the board of supervisors, or other officer or officers having charge of the highway in the town, district or village where such intersection is located.

Second—That planks shall be firmly spiked on and for the full length of the ties used in the road bed of such railway, where such crossing occurs, and such planks, when so laid, shall be no more than one (1) inch apart, except where the rails prevent, in which the planks next inside of such rail shall be no more than two and one half (2½) inches from the inside surface of such rail, and the thickness of the planks so used shall be equal to the height of the rail; that is to say, the upper surface of the planks shall be on a level with the upper surface of the rail, and all such planks shall extend along such railway the entire width of such highway grade, and all planks so laid shall not be removed or taken up for any greater length of time than is necessary for the repairs of such crossing or for the removal of snow or ice.

SEC. 3. It shall be the duty of the officer or officers having charge of any public highway intersected by any line of railway to serve a written notice upon the nearest station agent or section foreman having charge of that portion of the railway where such intersection occurs, that such crossing as herein described shall be built or repaired.

Notice to be served.

SEC. 4. It shall be the duty of any railway company so receiving such notice, to build or cause to be built a good and sufficient crossing as described in section two (2) of this act, within a period of thirty (30) days from and after receiving such notice.

Duty to build within thirty days after notification.

SEC. 5. It shall be the duty of all railway companies owning or operating any line of railway within the limits of the State of Minnesota to at all times keep all public highways now or hereafter crossing such line of railroad, clear of snow, so that the same shall at all times be in a safe and convenient condition for travel for a distance of fifty (50) feet each way from the centre of said railroad along such highway.

Crossings must be kept clear of snow

SEC. 6. Any railroad company which shall neglect to comply with the terms of this act, shall be liable to pay damage to the city, village or town in which the highway is situated in the sum of thirty (\$30) dollars for such neglect, and a further sum of ten (\$10) dollars per day for each and every day such railroad company fails or neglects to comply with the terms of this act, the same to be recovered in an action brought in the name of the city, village or town as the case may be. It is hereby made the duty of the county attorney to prosecute to judgment any claim arising under the foregoing provisions, without charge to the said city, village, or town.

Penalty for neglect to comply with terms of this act.

SEC. 7. That any acts or parts of acts conflicting with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 10, 1889.