

H. F.No. 574.

CHAPTER 346.

Liability of
railroad com-
panies.

An act to amend section 57 of chapter 34, general statutes 1878, being section 2695, general statutes 1894, relating to the liability of a company operating a railroad.

Be it enacted by the Legislature of the state of Minnesota:

Amendment

SECTION 1. Section fifty-seven (57), chapter thirty-four (34) of the general statutes of eighteen hundred and seventy-eight (1878), being section twenty-six ninety-five (2695) of the general statutes of eighteen hundred and ninety-four (1894) is hereby amended so as to read as follows:

Liable for
damages to
persons by
failure to
maintain
fences and
cattle guards.

Any company or corporation operating a line of railroad in this state and which company or corporation has failed or neglected to fence said road, and to erect crossings and cattle guards, and maintain such fence, crossings and cattle guards, shall hereafter be liable for all damages sustained by any person in consequence of such failure or neglect, except that the measure of damages for the failure to construct or maintain such fence shall be as follows:

Owner of
abutting land
may demand
fence by writ-
ten notice.

The owner of any land abutting the line of railway of such company or corporation may serve a written notice on any station agent of any such company or corporation at any time between the first day of April and October in any year, that he requires the construction of a fence on the line between his land and the right of way of such company or corporation. If such company or corporation does not within forty (40) days from the time of serving such notice construct such fence, such owner may recover in a civil action as damages under the provisions of this section an amount not exceeding twice the cost of constructing such fence, together with costs and a reasonable attorney's fee to be allowed by the court, or such abutting owner may construct a legal fence on the line of such right of way at any time after the expiration of forty (40) days from the time such notice was served, in case such company or corporation has failed to construct such fence, and such company or corporation shall be liable to him on account of the construction of such fence for an amount equal to double the cost of the fence, to be recovered in a civil action, together with costs and a reasonable attorney's fee. Such fence, whether constructed by such railroad company or corporation or such abutting owner, shall be

If fence not
built owner
of land may
recover
damages.If fence not
built, owner
of land may
build and
recover
double its
cost.

maintained and kept in repair by such company or corporation, and it shall be liable for all damages growing out of its failure to maintain and keep in repair such fence; *provided*, that this act shall not repeal or change in any way sections twenty-six ninety-three (2693) and twenty-six ninety-four (2694) of the general statutes of eighteen hundred and ninety-four (1894) but the same shall remain in full force and effect, and the liability of any railroad companies for damages to stock therein and thereby imposed shall in no way be changed, released or modified; and such company or corporation shall be liable for domestic animals killed by reason of its neglect to fence the road, notwithstanding that notice to the company to fence its track, as herein provided, may not have been served upon the company.

Former act
remains in
force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

CHAPTER 347.

H. F. No. 99.

An act to amend chapter eighty-nine (89) of the general laws of Minnesota for the year eighteen hundred and seventy-six (1876), as amended by chapter four (4) of the general laws of eighteen hundred and seventy-eight (1878), chapter eighty-six (86) of the general laws of eighteen hundred and eighty-five (1885), and to repeal section fourteen (14) of said chapter eighty-nine (89) of the general laws of eighteen hundred and seventy-six (1876), relating to liens upon logs and lumber.

Liens on logs
and lumber.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter eighty-nine (89) of the general laws of Minnesota for eighteen hundred and seventy-six (1876), entitled "An act for providing for a lien for labor upon logs and timber," as amended by chapter four (4) of the general laws of eighteen hundred and seventy-eight (1878), chapter eighty-six (86) of the general laws of eighteen hundred and eighty-five (1885), be and the same hereby is amended in the following particulars.

Amendment.

SEC. 2. That section one (1) of said chapter eighty-nine (89) of said laws of eighteen hundred and seventy-six (1876), as amended by the acts aforesaid be, and the same hereby is amended so as to read as follows:

Sec. 1. Any person who shall do or perform any labor or services in cutting, felling, hauling, driving,