

CHAPTER XVI.

March 5, 1870.*An Act compelling Railroad Companies to fence portions of their roads, operated over or near public highways.*

- SECTION 1. Compelling railroad corporations to fence certain portions of road—for what purpose.
2. Supervisors of towns through which railroads pass to notify said company of dangerous places requiring fencing—penalty in case of neglect or omission so to do within the time specified—when notice to be given.
3. When act to take effect.

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

Railroad companies to fence portions of road—
for what purpose

SECTION 1. That it shall be the duty of each and every railroad corporation within this state, to cause the line of its railroad, or any branch or continuation thereof, now constructed and operated, or that shall hereafter be constructed and operated along or upon the line of any public road or highway or parallel with such highway, and within one hundred feet distant from the line of such highway, to protect the same, by erecting and maintaining a suitable and substantial post and board or stone fence, of at least five feet in height, along or near the line of its road, and so as to separate such portions of its railroad from such highway, and so as to prevent the passage of teams or animals over the track of such railroad at places other than regular and properly constructed crossings.

Duty of supervisors—penalty in case company neglect to build fence in time specified—when notice to be given.

SEC. 2. That if in the opinion of the supervisors of any town through or into which any line of railroad is or may hereafter be constructed and operated, upon, along or so near to any public road or highway as to render travel upon such road dangerous by reason of the passage of cars or engines upon such railroad, it shall be the duty of such supervisors to cause a notice thereof to be served upon such railroad company, by delivering the same to the president, secretary or superintendent of such company, therein designating the portions of such highway so

regarded as dangerous, and requiring such corporation to cause the same to be protected by a suitable fence, as provided in the first section of this act. That the company or corporation so operating such railroad, and notified as aforesaid, shall cause such fence to be erected within sixty days from the time of the service of such notice, and in case of neglect or omission so to do, such company or corporation so in default, shall be liable to a penalty of ten dollars for each and every day it shall so remain in default, to be recovered at the suit of the town supervisors, before any justice of the peace of the town named in such notice. *Provided, however,* That no such notice shall be given between the first day of December and the first day of April, nor shall any such fence be required to be constructed during the months of December, January, February and March of any year.

SEC. 3. This act to take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1870.

CHAPTER XVII.

An Act to provide for service of process in certain cases.

March 2, 1870.

SECTION 1. Upon whom papers in civil actions may be served against railroad companies—not to be construed as repealing existing laws authorizing such service.

2. When act to take effect.

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

SECTION 1. The service of all process and papers in any civil action or proceeding before any justice of the peace against any railroad company within this state, may be made upon any acting ticket or freight agent of such company within the county in which the action or proceeding shall be commenced, and shall be taken and held

Upon whom papers in actions against railroad companies may be served—not to affect existing laws.