

SEC. 6. Any railway official who willfully or maliciously refuses or neglects to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one thousand (1,000) dollars.

Deemed guilty of a misdemeanor for non-compliance with this act.

SEC. 7. Whenever the provisions of section six (6) of this act are violated, proceedings against the offender may be instituted upon information by the county attorney or by indictment of the grand jury in the county where the offense is committed.

SEC. 8. All fines accruing from the enforcement of this act shall be covered into the state treasury for the benefit of the school fund.

SEC. 9. This act shall take effect and its provisions shall be in force on and after the first (1st) day of June, eighteen hundred and eighty-seven (1887).

When act to take effect.

Approved March 5th, 1887.

CHAPTER 15.

[H. F. No. 245.]

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

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

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 line or lines of railway.

Shall build and keep in repair good crossings.

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:

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 which shall extend along such track for a distance of not less than thirty-two (32) feet, 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 highways in the town, district or village where such intersection is located.

Crossing defined.

How to be
constructed.

Second—That plank shall be firmly spiked onto and for the full length of the ties used in the road bed of such railway, where such crossing occurs, and such plank, when so laid, shall be no more than one (1) inch apart, except where the rails prevent, in which the plank next inside of such rail shall be no more than two and one-half ($2\frac{1}{2}$) inches from the inside surface of such rail, and the thickness of the plank so used shall be equal to the height of the rail; that is to say, the upper surface of the plank shall be on a level with the upper surface of the rail, and all such plank shall extend along such railway the entire width of such highway grade.

Notice to be
served.

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.

Crossing to be
built within
30 days.

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.

Shall keep
crossings clear
of snow.

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 one hundred (100) feet each way from the centre of said railroad along such highway.

Liable for
damages for
neglect.

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 provision, without charge to the said city, village or town.

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

When act to
take effect.

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

Approved March 7, 1887.