

B. F. CLAYTON, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture, to whom was referred house file No. 203, a bill for an act requiring railroad companies to construct and maintain fences, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it be amended by adding to the first section the following: "when such lands are under cultivation"; and to strike out, in second section, the words "owners or." and, when so amended, the bill do pass.

B. F. CLAYTON, *Chairman.*

Ordered passed on file.

HOUSE FILE NO. 203.]

[BY MUNCEY.

## A BILL

FOR AN ACT REQUIRING RAILROAD COMPANIES TO BUILD AND REPAIR FENCES.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* Every corporation  
2 or company owning or operating a railroad in this state, shall erect and maintain lawful  
3 fences along the line of such railway, on both sides thereof, when such land is under cultiva-  
4 tion.

SEC. 2. If any such corporation or company fail or neglect to erect and maintain a law-  
2 ful fence, as required in the preceding section, or neglect to repair or rebuild such fence, if  
3 necessary, any party cultivating land on which such fence is required to be erected or main-  
4 tained, may complain to the fence viewers, who, after due notice, in writing, to such corpora-  
5 tion or company, or any station agent in their employ, shall make examination of the premi-  
6 ses, and shall determine within what time such fence shall be erected, repaired or rebuilt,  
7 and shall notify such corporation or company, or their agent, as aforesaid, in writing, to erect,  
8 repair or rebuild such fence within such time as they shall determine reasonable.

SEC. 3. If such fence is not erected, repaired or rebuilt, according to such notice, the  
2 party making the complaint may enter and repair, or rebuild, such fence, and the same being  
3 adjudged a lawful fence by the fence viewers, and certified to by them, the complainant may  
4 demand payment of the sum so found to be the value of such fence or repairs of such cor-

5 poration or companies; and in case they shall refuse or neglect to pay the same within thirty  
6 days, may recover double the value thereof by action.

SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force  
2 from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers  
3 published at Des Moines, Iowa.

MR. SPEAKER:

Your Committee on Agriculture, to whom was referred house file No. 203, a bill for an act requiring railroad companies to build and repair fences, beg leave to report that they have had the same under consideration, and have drawn a substitute for same, and have instructed me to report the same back to the house with the recommendation that it be adopted, and when adopted that the bill do pass.

Ordered passed on file.

A. V. STOUT, *Acting Chairman.*

SUBSTITUTE FOR HOUSE FILE NO. 203.]

## A BILL

FOR AN ACT REQUIRING RAILROAD COMPANIES TO BUILD AND MAINTAIN FENCES  
ALONG THEIR LINES OF ROAD.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* Every corporation  
2 owning or operating a railroad in this state shall erect and maintain lawful fences along the  
3 line of such railway, along both sides thereof when such land is fenced and under cultivation.  
4 *Provided, however,* that when only the land on one side of the railroad is enclosed a fence  
5 shall only be required to be erected by said company or corporation on the side so enclosed,  
6 and when the fence around such enclosure is sufficient to retain hogs, the fence required by  
7 this act shall be of like character, but in all other a lawful fence shall be all that shall be  
8 required to protect the company from damages.

SEC. 2. If any such company or corporation fail or neglect to erect and maintain a lawful  
2 fence, as required in the preceding section, or neglect to repair or rebuild such fence if nec-  
3 essary, any party cultivating land on which such fence is required to be erected and main-  
4 tained, may complain to the fence viewers who, after due notice in writing to such corporation or  
5 company, or any station agent in their employ, shall make examination of the premises, and  
6 shall determine within what time such fence shall be erected, repaired or rebuilt, and shall  
7 notify such corporation or company, or their agent as aforesaid in writing, to erect, repair or  
8 rebuild such fence within such time as they shall determine reasonable.

SEC. 3. If such fence is not erected, repaired or rebuilt according to such notice, the party  
2 making the complaint may enter and repair or rebuild such fence, and the same being adjudged  
3 a lawful fence by the fence viewers and certified to by them, the complainant may demand pay-  
4 ment of the sum so found to be the value of such fence or repairs from such corporation or com-  
5 pany, and in case they shall refuse or neglect to pay the same within thirty days may recover  
6 the same by action, unless either party should desire to appeal to the circuit court from the  
7 finding of the trustees of the value aforesaid, in which case like notice shall be given, as in  
8 case of appeals from a justice of the peace: *Provided, however,* that this act shall not apply  
9 to railroads that have not been in operation at the point sought to be fenced for at least five  
10 years prior to the time of the demand to build such fence.

4. SEC. This act, being deemed of immediate importance, shall take effect and be in force  
2 from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers  
3 published at Des Moines, Iowa.