

A BILL

FOR AN ACT TO REPEAL SECTION 1288, OF CHAPTER 5, OF TITLE X, OF THE CODE OF 1873, AND TO ENACT A SUBSTITUTE THEREFOR.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 1288, of chapter 5, title X, of the Code of 1873, be and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 2. Every corporation constructing or operating a railway, shall make proper cattle-guards where the same enters or leaves any improved or fenced land; and shall construct at all points where any public street or highway crosses or intersects such railway, whether such street or highway be established or opened before or after the construction of said railway, good, sufficient and safe crossings and cattle-guards, and erect at such points, at a sufficient elevation from such street or highway to admit of free passage beneath the same of vehicles of every kind, a sign, with large and distinct letters placed thereon, to give notice of the proximity of the railway, and to warn persons of the necessity of looking out for the cars. And any railway company neglecting or refusing to comply with the provisions of this section, shall be liable for all damages sustained by reason of such neglect or refusal; and in order for the injured party to recover, it shall only be necessary for him to prove such neglect or refusal. And whenever, in the opinion of the board of supervisors of any county, or of the council of any city or incorporated town, having jurisdiction over such highway or street, the public convenience requires the construction of a crossing at any point where such street or highway crosses or intersects such railway, the said board or council shall give notice, in writing, to any agent or officer of such corporation, specifying the character or kind of crossing required, and the time within which the same shall be constructed by said corporation; and if such railway corporation refuse or neglect to construct such crossing within the time specified in such notice, such county, city or town, having jurisdiction of such highway, may apply, by its board or council, by petition, to the circuit or district court of the county in which such proposed crossing is situated, and such petition shall be answered as in other actions. If the court shall find that such railway corporation is liable to construct the

23 proposed crossing, it shall make the necessary orders in relation thereto, giving such corpora-
24 tion a reasonable time to comply therewith; and upon failure so to do, said court may enjoin
25 said corporation from using its road at the point of the proposed crossing.