

A BILL

FOR AN ACT REQUIRING RAILROADS TO FENCE THEIR ROAD.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. Any person owning land by or through which any railroad has been or may
2 be constructed, who has or may inclose the same, or any part thereof, and adjacent to the
3 line of such railroad, with a lawful fence, may demand of such railroad company that it
4 inclose its line next thereof with a lawful fence, and maintain the same.

SEC. 2. Whenever a railroad corporation, or the lessee, person, company, or corporation
2 operating any railroad, shall neglect or refuse to build such fence, as provided in this act,
3 the owner or occupant of the lands adjoining such railroad or over or through where the
4 railroad track is or may be laid, may give notice in writing to such corporation, or the
5 lessee thereof, or the persons operating such railroad, to build such fence within sixty days
6 except during the months of December, January and February, after the service of such
7 notice, such notice shall describe the lands on which said fence is required to be built. Ser-
8 vice of such notice may be made by delivering the same to any ticket or station agent for
9 said corporation of the person, corporation or lessees operating such railroad.

SEC. 3. If the party so notified shall refuse to build fence in accordance with the provi-
2 sion of this act, the owner or occupant of the land required to be fenced shall have a right
3 to enter upon the lands and track of said railroad company, and may build such fence; and
4 the person so building such fence shall be entitled to the value thereof from such corpora-
5 tion or party operating or using such railroad, to be recovered with interest at the legal rate
6 from the time such fence was built, together with a reasonable attorney's fee for the prose-
7 cution of any suit to recover the same.

SEC. 4. Any person owning or occupying land adjoining any railroad track of any railroad
2 company shall have the right to attach to the fence constructed along the track or right of
3 way of said railroad company any wires, boards or other material so as to make the fence of
4 said railroad company sufficient to prevent any hogs or pigs from getting upon the track of
5 said railroad company.

Com. on
Railroads,

[SUBSTITUTE FOR HOUSE FILE No. 127.]

A BILL

FOR AN ACT TO REQUIRING RAILROADS TO FENCE THEIR ROAD.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Any person owning land adjacent to or through which any railroad has been
2 or may hereafter be constructed, who has enclosed or may hereafter enclose the same, or
3 any part thereof with a lawful fence, may demand of such railroad company that it enclose
4 its right of way next thereto with a lawful fence and maintain the same.

SEC. 2. The owner or occupant of land adjacent to any such railroad may serve or cause
2 to be served upon the nearest station or ticket agent of such railway company a written or
3 printed notice, to erect such fence, and if said railway company refuses or neglects to build
4 said fence within sixty days after the service of such notice, the owner or occupant as afore-
5 said, may build said fence and recover from said railway company double the full value of
6 said fence, with legal interest from date of erection. *Provided*, that nothing in this act shall
7 be construed to compel such railway company to build such fence during the months of De-
8 cember, January, February and March.

SEC. 3. Strike out section 3 and 4 and insert the following: The owner or occupant as
2 aforesaid shall have the right to make such fence tight, at his own expense, and that any
3 material so added by him may be removed by him at any time he may choose to remove the
4 same.