

No. 180, A.]

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## CHAPTER 220.

AN ACT to define the liability of railroad companies in relation to damages sustained by their employes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Railway companies, when liable for damages sustained by employes.

Defect in locomotive, etc.

Negligence of co-employe.

Repeals ch. 438, laws of 1889.

Contract, etc., not to affect liability.

SECTION 1. Every railroad or railway company operating any railroad or railway, the line of which shall be in whole or in part within this state, shall be liable for all damages sustained within this state by any employe of such company, without contributory negligence on his part; first, when such injury is caused by any defect in any locomotive, engine, car, rail, track, machinery or appliance required by said company to be used by its employes in and about the business of such employment, when such defect could have been discovered by such company by reasonable and proper care, tests or inspection, and proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company; second, or while any such employe is so engaged in operating, running, riding upon or switching, passenger or freight or other trains, engines or cars, and while engaged in the performance of his duty as such employe, and which such injury shall have been caused by the carelessness or negligence of any other employe, officer or agent of such company in the discharge of, or for failure to discharge his duties as such.

SECTION 2. Chapter 438, of the laws of 1889, is hereby repealed.

SECTION 3. No action or cause of action now existing shall be affected by this act.

SECTION 4. No contract, receipt, rule or regulation between any employe and a railroad company, shall exempt such corporation from the full liability imposed by this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.