

No. 436, A.]

[Published June 13, 1905.]

CHAPTER 348.

AN ACT to promote the safety of railroad employees by compelling the erection of tell tales.

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

Erection of tell tales compelled. SECTION 1. Whenever in the state of Wisconsin there shall be over, above or across any of the tracks of any railroad a bridge, crossing, viaduct, or other obstruction of a height of less than seven feet above the roof of any freight car used on or hauled over said road, or wherever there shall be upon any railroad in the state of Wisconsin any bridge or other structure that shall have over or above any track of said road a transverse beam, girder, rod or other obstruction at a height of less than that above mentioned, it shall be the duty of the officers of such railroad, to erect and keep in repair at or near such bridge, crossing, viaduct, or other obstruction tell tales made and placed as provided for in section 2 of this act.

How constructed and placed. SECTION 2. The tell tales mentioned in section 1 of this act shall consist of a transverse rod, beam or timber placed across the track or tracks of said railroad at such a height and at such distance from the bridge or other obstruction as the railroad commissioner shall direct, and from said rod or beam shall be suspended straps, ropes or cords of such size and of such length and of such material as the railroad commissioner shall direct; the said straps, ropes or cords shall be attached to said transverse rod or beam at a distance not greater than nine (9) inches from each other for a space of eight feet directly over the track; said tell tales shall be placed upon both sides of such bridge, viaduct or other obstruction.

Penalty. SECTION 3. Any railroad company, lessee or other person or persons operating any railroad that shall refuse or neglect to erect the tell tales required by this act for the space of sixty days after notice from the railroad commissioner requiring erection of such tell tales shall be liable to a penalty of not

less than fifty nor more than one hundred dollars, to be recovered in an action to be brought by the attorney general in the name of the state of Wisconsin in the county wherein such bridge or obstruction may be situated, and for every twenty days' delay thereafter in erecting such tell tales, such company or person shall be liable to the same penalty to be collected as above provided.

Statement to be filed by railroad company. SECTION 4. Within sixty days from the passage of this act, every railroad or other company operating a line of railroad within the state shall file with the railroad commissioner at his office in Madison a verified statement showing the location of each bridge, crossing, viaduct, or other obstruction across any track or tracks of said road at a height of less than seven feet above the roof of any car used on or hauled over said road, and on or before the 30th day of June in each year it shall be the duty of such railroad or other company operating a line of railroad within this state to file with the railroad commissioner a like verified report together with a statement showing whether or not the provisions of this act have been fully complied with.

Injuries sustained by employees. SECTION 5. An employee of a railroad corporation who is injured by or because of the existence of any bridge, viaduct or other obstruction over, above or across any of the tracks of said railroad at a height less than that provided in this act which has not been protected by the erection of tell tales, as provided in this act, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded bridge, viaduct, or other obstruction has been brought to his knowledge.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.