

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed in so far as they are inconsistent herewith.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved July 11, 1907.

No. 107, A.]

[Published July 13, 1907.

CHAPTER 575.

AN ACT to create a new section to the statutes of 1898, to be known as section 1816m. relating to railroads.

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

SECTION 1. There is created and added to the statutes of 1898 a new section to read:

* * * * *

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after January 1, 1908.

Approved July 11, 1907.

or operated, and the contract of employment shall have been made in this state, it shall not be competent for such railroad company to plead or prove the decisions or statutes of the state where such person shall have been injured as a defense to the action brought in this state.

Shop or office employes. 9. *The provisions of this act shall not apply to employes working in shops or offices.*

(Ch. 254, 1907.)

Railroad operators, hours on and off duty. SECTION 1816m. It shall be unlawful for any corporation or a receiver operating a line of railroad, in whole or in part, in the state of Wisconsin, or any officer, agent or representative of such corporation or receiver, to require or permit any operator to remain on duty for more than one period of eight consecutive hours, and when said operator shall have been on duty for said eight hours he shall be relieved and not required or permitted again to go on duty until he has had at least sixteen consecutive hours off duty in any twenty-four hours; provided this provision shall not apply in case of casualty upon such railroad; in which case said operator may be required or permitted to be on duty not more than one period of twelve consecutive hours in any twenty-four hours, or not to exceed three days of said twelve successive hours each at one time.

“Operator;” “block system.” 2. The term “operator” shall include train dispatchers, and shall be defined and construed to mean an employe who, by the use of the telegraph or telephone dispatches, or reports, transmits, receives or delivers orders pertaining to or affecting the movement of cars, engines, or trains, or who handles such cars, engines, or trains by or under what is known and termed the block system; the term “block system” shall be defined and construed to mean reporting cars, engines, or trains to another office or offices and to the train dispatcher registering the same and operating one or more order or signal devices, and manipulating signal devices affecting the movement of cars, engines, or trains from stations or towers in railroad yards or on main tracks.

Enforcement. 3. Whenever the railroad commission shall learn of any violation of this section by any company or by an officer or agent of any such company, it shall be the duty

of the railroad commission to investigate such violation at once and it shall have power to require such company to immediately provide such additional employes as are necessary to comply with the provisions of this act.

Penalty. 4. The failure to comply with any of the provisions of this section shall subject the corporation or receiver or any officer, agent or representative of such corporation or receiver to a penalty of not less than one thousand dollars nor more than five thousand dollars for each offense, to be sued for and recovered in the name of the state, with the costs of prosecution, by the attorney general or under his direction, or by the district attorney for any county in which the violation may occur, and in the circuit court for such county, and such penalty, when recovered, shall be paid into the county treasury of the county in which the violation occurred, for the benefit of such county.

(Ch. 575, 1907.)

Penalty for railroad violations of sections 1798 to 1817 inclusive. SECTION 1819. 1. If any railroad corporation, its officers, agents or servants, * * * violate or fail to comply with any * * * provisions of * * * sections 1798 to 1817 inclusive, such corporation shall for * * * every violation or failure, forfeit not less than * * * ten nor more than * * * one thousand dollars, * * * and * * * be liable to the person injured for all damages sustained thereby.

2. *All forfeitures recovered shall inure to the state.*

(Ch. 622, 1907.)

Railroads may construct over or under intersecting ways. [SECTION 1828]—5. Subject to the provisions of section 1836 to construct its railroad across, *over*, *under*, along or upon any stream of water, water-course, street, highway, plank road, turnpike or canal which its route shall intersect or touch; to carry any highway, street, turnpike or plank road which it shall touch, intersect or cross over or under its track as may be most expedient for the public good; to change the course and direction of any highway, street, turnpike or plank road when made necessary or desirable to secure more easy ascent or descent by reason of any embankment or cut made in the construction of the railroad and take land necessary