

any order of the dairy and food commissioner to close up the *station or depot or factory* owned or operated by him may commence an action in the circuit court for the county in which such *station or depot or such factory* is located against the commissioner as defendant to vacate and set aside any such order on the ground that the order is unlawful; or that any such order is unreasonable, in which action the complaint shall be served with the summons. The answer of the commissioner to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the dairy and food commissioner, except upon application to the circuit court or the presiding judge thereof, notice to the dairy and food commissioner and hearing.

9. *For the purposes of this section the terms "receiving station or depot" or "station or depot" shall mean and include any building or place used in buying or receiving and shipping milk or cream and shall not mean and include or apply to the gathering or collecting of milk or cream by wagon or other similar vehicle or by automobile or other similar motor vehicle or to the distribution of milk or cream to its ultimate consumer.*

SECTION 3. This act shall take effect on January 1, 1920.

Approved June 28, 1919.

No. 417, S.]

[Published July 5, 1919.

CHAPTER 456.

AN ACT to amend subsection (1) of section 6.04 and subsection (1) of section 6.05 of the statutes, relating to the holding of elections.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (1) of section 6.04 and subsection (1) of section 6.05 of the statutes are amended to read: (6.04) (1) In cities, in the wards, * * * at the place or places to be ordered by the common councils thereof, respectively, at least four months before such election, unless otherwise provided by law.

(6.05) (1) *Wards, or election districts* as established may be divided into two or more districts in towns when the supervisors

shall deem it for the convenience of the voters, and shall be divided when fifty or more electors thereof shall petition the board in writing therefor; and such division shall be made in wards, villages or towns when it shall appear that six hundred or more votes were cast in any such district therein at any election; * * * provided, however, that no division shall be made in any town containing less than fifty sections of land unless it shall appear that four hundred or more votes were cast in such town at the last preceding general election.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 28, 1919.

No. 84, S.]

[Published July 5, 1919.

CHAPTER 457.

AN ACT to amend subdivisions (2) and (3) of subsection 1 of section 2394—1 and to create section 2394—32 of the statutes, relating to workmen's compensation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivisions (2) and (3) of subsection 1 of section 2394—1 of the statutes are amended to read: (Section 2394—1) (1) (2) When such employer has at the time of the * * * *injury* in a common employment three or more employes, that the injury or death was caused in whole or in part by the want of ordinary care of a fellow servant.

(3) When such employer has at the time of the * * * *injury* in a common employment three or more employes, that the injury or death was caused in whole or in part by the want of ordinary care of the injured employe, where such want of ordinary care was not wilful.

SECTION 2. A new section is added to the statutes to read: Section 2394—32. The provisions of sections 2394—1 to 2394—31, both inclusive, are extended so as to include, in addition to accidental injuries, all other injuries growing out of and incidental to the employment.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 28, 1919.