

No. 422, A.]

[Published May 3, 1911.

CHAPTER 49.

AN ACT to amend section 1636—83 of the statutes, relating to regulations respecting the safety of workmen in the construction of buildings.

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

SECTION 1. Section 1636—83 of the statutes is amended to read: Section 1636—83. 1. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material or brick work, shall complete the flooring in or filling in *on each floor* as the building progresses * * * *before workmen shall be permitted to begin work on the next succeeding floor above.* If the plans and specifications of such building do not require filling in between the beams of floors with brick or fire-proof material, all contractors for carpenter work, in the course of construction, shall lay the under flooring thereof on each story as the building progresses * * * *before workmen shall be permitted to begin work on the next succeeding story above.* Where double floors are not to be used, such contractor shall keep planked-over the floor one story below the story where the work is being performed.

2. If the floor beams are of iron or steel, the contractors for the iron and steel work of such buildings, in the course of construction, or the owners of such buildings, shall thoroughly plank-over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. *But all such openings shall be enclosed or fenced in on all sides by barriers of at least four feet in height. In case of any opening across which are placed runways or tramways then the entire opening shall be planked-over.*

3. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a barrier at least eight feet in height. If a building in course of construction is five stories or

more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1911.

No. 12, S.]

[Published May 3, 1911.

CHAPTER 50.

AN ACT to create sections 2394—1 to 2394—32 of the statutes (to be included in a new chapter of the statutes to be numbered chapter 110a), relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury or death of employees, establishing an industrial accident board, defining its powers, providing for a review of its awards, and making an appropriation to carry out the provisions of this act.

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

SECTION 1. There are added to the statutes thirty-two new sections to read: Section 2394—1. In any action to recover damages for a personal injury sustained within this state by an employee while engaged in the line of his duty as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary care of the employer, or of any officer, agent, or servant of the employer, it shall not be a defense:

1. That the employee either expressly or impliedly assumed the risk of the hazard complained of.

2. When such employer has at the time of the accident in a common employment four or more employees, that the injury or death was caused in whole or in part by the want of ordinary care of a fellow servant.

Any employer who has elected to pay compensation as hereinafter provided shall not be subject to the provisions of this section 2394—1.

Section 2394—2. No contract, rule, or regulation, shall exempt the employer from any of the provisions of the preceding section of this act.

(Am. 1911, c. 664, s. 4, ¶ 1.)

Section 2394—3. Except as regards employees working in shops or offices of a railroad company, who are within the provisions of subsection 9 of section 1816 of the statutes, as amended by chapter 254 of the laws of 1907, the term "employer" as used in the two preceding sections of this act shall not include any