

paratus, tools, appliances, supplies, electric energy, gasoline and other motor oil, lubricating oil, and greases, apparatus, fixtures, machinery or labor, including the premiums for workmen's compensation insurance, to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or established as provided in subsection (3) of this section and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount under their respective contracts.

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

Approved June 26, 1933.

No. 645, A.]

[Published June 29, 1933.

CHAPTER 317.

AN ACT to create section 192.265 of the statutes, relating to whistles on locomotives.

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

SECTION 1. A new section is added to the statutes to read: 192.265 WHISTLES ON LOCOMOTIVES. It shall be the duty of the public service commission and it shall have power, jurisdiction and authority to investigate, ascertain and determine the placing of whistles on locomotives in such manner as not to be injurious to the hearing of men in the cabs of locomotives.

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

Approved June 26, 1933.