

CHAPTER 187—H. F. No. 22.

An Act defining the liability of employers to their employees for personal injury or death.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Liability of corporations for injury or death to employees.—That every company, person or corporation owning or operating, as a common carrier or otherwise, a steam railroad or railway in the State of Minnesota, shall be liable in damages to any employee suffering injury while engaged in such employment; or, in case of death of such employee, to the surviving widow or husband and children of such employee; and, if none, then to such employee's parents; and, if none, then the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such employer, or by reason of any defect or insufficiency due to the employer's negligence.

The damages recoverable in case of death to be distributed to the parties in interest in the same proportion as personal property of persons dying intestate.

Sec. 2. Liability of common carriers.—That every company, person or corporation owning or operating, as a common carrier or otherwise, a steam railroad or railway in the State of Minnesota, shall be liable in damages to any person suffering injury while he is engaged in the line of his employment, or in case of the death of such employee, to his or her surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such employer, or by reason of any defect or insufficiency in such employer's appliances, machinery or apparatus furnished.

Sec. 3. Contributory negligence not to bar a recovery.—That in all actions hereafter brought against any such employer under or by virtue of any of the provisions of this act, to recover damages for personal injury to the employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; provided, that no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such employer of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Sec. 4. Employee not to be held to have assumed risk of employment.—That in any action brought against any employer under or by virtue of any of the provisions of this act to recover for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by the employer of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Sec. 5. Contrary contracts declared void.—That any contract, rule, regulation or device whatsoever the purpose or intent of which shall be to enable any employer to exempt such employer from any liability created by this act, shall to that extent be void; provided, that in any action brought against any such employer under or by virtue of any of the provisions of this act, such employer may set off therein any sum he has contributed or paid to any insurance, relief, benefit or indemnity that may have been paid to the injured employee, or the persons entitled thereto on account of the injury or death for which said action was brought.

Sec. 6. Definition of term "employer."—That the term employer as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of management and operation of any business employing labor.

Sec. 7. Right of action given to surviving widow, children, or next of kin.—That any right of action given by this act to a person suffering injury shall survive for the benefit of the surviving widow or husband and children of any such employee; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

Sec. 8. Action to be commenced within two years.—That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrues.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 20, 1915.

CHAPTER 188—H. F. No. 182.

An Act to authorize the city council or other governing body of any city in the State of Minnesota now or hereafter having more than ten thousand and not more than twenty thousand inhabitants, not operating under a home rule charter, to levy annually a tax not exceeding two per cent of the assessed value of all the taxable property in such city to defray the current expenses of such city for the next fiscal year.

Be it enacted by the Legislature of the State of Minnesota: