

**LIABILITY OF RAILROADS TO EMPLOYEES (EXCERPT)**  
**Act 104 of 1909**

**419.52 Contributory negligence; degree, effect; assumption of risk.**

Sec. 2. In all actions hereafter brought against any such common carrier railroad company under or by virtue of any of the provisions of this act to recover damages for personal injury to an employe, or where such injuries have resulted in his death, the fact that the employe may have been guilty of contributory negligence shall not bar a recovery: Provided, That the negligence of such employe was of a lesser degree than the negligence of such company, its officers, agents or employes: Provided further, That no such employe who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier railroad company of any statute enacted for the safety of employes contributed to the injury of such employe, and such employe shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employes contributed to the injury or death of such employe.

**History:** 1909, Act 104, Eff. Sept. 1, 1909;—CL 1915, 5497;—CL 1929, 8630;—CL 1948, 419.52.