

By Mr. Johnston of Boston (by request), petition of Andrew J. Gorey relative to the giving of notice in actions against owners of property for defective conditions caused by snow or ice. Judiciary (Joint)

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty.

An Act relative to the Giving of Notice in Actions against Abutting Owners for Defective Condition of their Premises or of Adjoining Ways when caused by Snow or Ice.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section twenty-one of chapter eighty-four
2 of the General Laws, as amended by chapter
3 two hundred and forty-one of the acts of nine-
4 teen hundred and twenty-two, is hereby further
5 amended by striking out, in the fifteenth line,
6 the word " the " and inserting in place thereof
7 the word: — any, — and by inserting after the
8 word " premises " in the sixteenth line the fol-
9 lowing: — , or any part thereof, — so as to read
10 as follows: — *Section 21.* The three preceding
11 sections, so far as they relate to notices of
12 injuries resulting from snow or ice, shall apply
13 to actions against persons founded upon the
14 defective condition of their premises, or of

15 adjoining ways, when caused by or consisting
16 in part of snow or ice; provided, that notice
17 within thirty days after the injury shall be
18 sufficient, and that if by reason of physical or
19 mental incapacity it is impossible for the in-
20 jured person to give the notice within thirty
21 days after the injury, he may give it within
22 thirty days after such incapacity has been re-
23 moved, and in case of his death without having
24 been for thirty days at any time after his injury
25 of sufficient capacity to give the notice, his
26 executor or administrator may give the notice
27 within thirty days after his appointment. Such
28 notice may be given by leaving it with any occu-
29 pant of said premises, or any part thereof, or,
30 if there is no occupant, by posting it in a con-
31 spicuous place thereon, and no such notice shall
32 be invalid by reason of any inaccuracy or mis-
33 statement in respect to the owner's name if it
34 appears that such error was made in good faith
35 and did not prevent or unreasonably delay the
36 owner from receiving actual notice of the in-
37 jury and of the contention that it occurred
38 from the defective condition of his premises or
39 of a way adjoining the same.

