

HOUSE No. 545

By Mr. Serino of Cambridge, petition of Charles S. Bolster and another that there be paid out of the treasury of the Commonwealth a sum of money to the New Bedford Tow Boat Corporation for certain damages caused by the negligence of a drawtender in the employ of the Commonwealth. Ways and Means.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

RESOLVE IN FAVOR OF NEW BEDFORD TOW BOAT CORPORATION, OF NEW BEDFORD.

1 *Resolved*, That for the purpose of discharging a moral
2 obligation of the commonwealth and after an appro-
3 priation has been made therefor there shall be allowed
4 and paid out of the state treasury to New Bedford
5 Tow Boat Corporation, a Massachusetts corporation
6 of New Bedford, the sum of five thousand nine hun-
7 dred and ninety-four dollars, the said amount repre-
8 senting the loss suffered by said corporation by reason
9 of a collision between the tug John Duff owned by
10 said corporation and the drawspan of the Acushnet
11 river drawbridge owned and operated by the com-
12 monwealth which occurred on October twenty-third,
13 nineteen hundred and forty-four, the amount of the
14 damage having been decreed after a trial in admiralty
15 by the United States district court for the district of
16 Massachusetts, and the said court having found that
17 the collision was caused solely by the negligence of

18 one Arthur L. Martin, the drawtender and employee
19 of the commonwealth in charge of the operation of
20 the bridge and that the collision was not contributed
21 to by any fault or neglect of the tug John Duff or of
22 New Bedford Tow Boat Corporation, its agents or
23 servants. No payment shall be made hereunder until
24 there shall have been filed with the comptroller an
25 agreement with said New Bedford Tow Boat Corpora-
26 tion that the amount, if any, paid or to be paid for
27 services rendered in connection with the passage of
28 this resolve shall not exceed ten per cent of the sum
29 payable hereunder.