

SENATE No. 574

[Senate, No. 574. — Substituted, in part (Innes) for House Resolve No. 246.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT PROVIDING FOR JURISDICTION OF CERTAIN CLAIMS AGAINST THE COMMONWEALTH.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purposes, which is to provide forth-
3 with for jurisdiction of certain claims against the com-
4 monwealth, therefore it is hereby declared to be an
5 emergency law, necessary for the immediate preserva-
6 tion of the public convenience.

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

1 Chapter 258 of the General Laws is hereby amended
2 by inserting after section 1 the following three sections: —
3 *Section 1A.* If a person sustains bodily injury by
4 reason of a defect or want of repair on a way or side-
5 walk open to public use at the General Edward Law-
6 rence Logan International Airport, and such injury or
7 damage might have been prevented, or such defect or
8 want of repair might have been remedied by reasonable
9 care and diligence on the part of the commonwealth, he
10 may, if the commonwealth had or, by the exercise of
11 proper care and diligence, might have had reasonable
12 notice of the defect or want of repair, recover damages
13 therefor from the commonwealth under the provisions of
14 this chapter not to exceed five thousand dollars.
15 *Section 1B.* A person so injured shall, within ten days

16 thereafter, if such defect or want of repair is caused by
17 or consists in part of snow or ice, or both, and in all
18 other cases within thirty days thereafter give to the
19 commonwealth notice of the name and place of residence
20 of the person injured and the time, place and cause of
21 said injury; and if the commonwealth does not pay the
22 amount thereof he may recover the same by a petition
23 filed under the provisions of this chapter within two years
24 after the date of such injury. Such notice shall not be
25 invalid or insufficient solely by reason of any inaccuracy
26 in stating the name and residence of the person injured
27 or the time, place and cause of the injury if it is shown
28 that there was no intention to mislead and that the com-
29 monwealth was in fact not misled thereby. The words
30 "name and place of residence of the person injured" as
31 used in this section shall include the street and number,
32 if any, of his residence as well as the name of the city or
33 town thereof.

34 *Section 1C.* Such notice shall be in writing, signed by
35 the person injured or by some one in his behalf, and shall
36 be given to the attorney general. If the person injured
37 dies within the time required for giving the notice, his
38 executor or administrator may give such notice within
39 thirty days after his appointment. If by reason of physi-
40 cal or mental incapacity it is impossible for the person
41 injured to give the notice within the time required, he
42 may give it within ten days after such incapacity has
43 been removed, and if he dies within said ten days his
44 executor or administrator may give the notice within
45 thirty days after his appointment. Any form of written
46 communication signed by the person so injured, or by
47 some person in his behalf, or by his executor or adminis-
48 trator, or by some person in behalf of such executor or
49 administrator, which contains the information that the
50 person was so injured, giving the name and place of
51 residence of the person injured and the time, place and
52 cause of the injury or damage, shall be considered a
53 sufficient notice.