

HOUSE No. 23

By Mr. Gallagher of Boston, petition of Owen Gallagher relative to rights of employees injured in industrial accidents to choose to proceed at common law. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act relative to the Choice or Option of Procedure by the Employee under the Workmen's Compensation Law.

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 one hundred and fifty-two of the General
2 Laws, as most recently amended in section twenty-four
3 by section two of chapter three hundred and nine of
4 the acts of nineteen hundred and twenty-seven, is
5 hereby further amended by striking out said section
6 twenty-four and inserting in place thereof the follow-
7 ing: — *Section 24.* The employee of an insured person
8 may at his option proceed either at common law
9 against the insurer to recover damages or the employee
10 may proceed against the insurer for compensation
11 under the provisions of the general laws chapter one
12 hundred and fifty-two, but he shall not be called upon
13 to exercise this option unless he is injured during the
14 course of his employment. This option must be
15 exercised within thirty days after the right of action
16 accrues; said option may be exercised by the party
17 himself or by anyone acting for him or in his behalf.

