

HOUSE No. 820

By Messrs. James E. Sullivan and Wickes of Boston, petition of James J. Kelleher, James E. Sullivan and John C. Wickes for legislation to change the rule relieving carriers from liability for injuries or death of passengers caused by unusual, sudden or violent stops of conveyances of such carriers. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT CHANGING THE RULE RELIEVING CARRIERS FROM LIABILITY FOR INJURY OR DEATH OF PASSENGERS CAUSED BY UNUSUAL, SUDDEN, AND VIOLENT STOPS OF CONVEYANCES OF SUCH CARRIERS.

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 two hundred and thirty-one of the General
2 Laws is hereby amended by inserting therein after
3 section eighty-five A the following new section:—
4 *Section 85B.* In all actions, civil or criminal, to
5 recover damages for injuries sustained by a passenger
6 of a street railway company or other common carrier,
7 or for causing the death of a passenger of a street
8 railway company or other common carrier, the injury
9 being sustained or the death being caused by an
10 unusual, sudden, and violent stop of a conveyance of
11 the street railway company or other carrier, evidence
12 that the stop was unusual, sudden, and violent shall

13 be prima facie evidence that the stop was occasioned
14 by the negligence of the street railway company or
15 other common carrier and that such stop was not
16 occasioned by the negligence of the street railway
17 company or other carrier shall be an affirmative
18 defense to be set up in the answer and proved by the
19 street railway company or other carrier.