

SENATE No. 148

To accompany the petition of John J. Kearney for amendment of the requirements as to "notice of injury" under the Workmen's Compensation Act. Joint Judiciary.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

AN ACT

Relative to the Requirements as to "Notice of Injury."

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 eighteen of Part II of chapter seven
2 hundred and fifty-one of the acts of the year nine-
3 teen hundred and eleven, is hereby amended by
4 adding, at the end of the section, the following:
5 — and proceedings shall not be barred in any
6 event unless it is found that the employee's fail-
7 ure to give notice has materially prejudiced the
8 rights of the employer or insurer, — so as to read
9 as follows: — *Section 18.* A notice given under
10 the provisions of this act shall not be held invalid
11 or insufficient by reason of any inaccuracy in

12 stating the time, place or cause of the injury,
13 unless it is shown that it was the intention to
14 mislead and the association was in fact misled
15 thereby. Want of notice shall not be a bar to
16 proceedings under this act, if it be shown that
17 the association, subscriber, or agent had knowl-
18 edge of the injury, and proceedings shall not be
19 barred in any event unless it is found that the
20 employee's failure to give notice has materially
21 prejudiced the rights of the employer or insurer.