

By Mr. Birmingham of Boston, petition of Patrick F. Moran and Leo M. Birmingham relative to extending the time for filing notices under the workmen's compensation law. The Judiciary (Joint). Jan. 22.

The Commonwealth of Massachusetts.

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

An Act to Extend the Time for Filing Notices 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 Section six of chapter one hundred and fifty-three of
2 the General Laws is hereby amended by striking out in
3 the fifth line, the word "sixty" and inserting in place
4 thereof the words:— one hundred and twenty,— so as
5 to read as follows:— *Section 6.* No action for the
6 recovery of damages for injury under section one of this
7 chapter or for death under section four or seven of chap-
8 ter two hundred and twenty-nine shall be maintained
9 unless notice of the time, place and cause of the injury
10 is given to the employer within one hundred and twenty
11 days, and the action is commenced within one year,
12 after the accident which causes the injury or death.
13 Such notice shall be in writing, signed by the person
14 injured or by a person in his behalf. If the person
15 injured dies within the time required for giving the
16 notice, his executor or administrator may give such
17 notice within sixty days after his appointment; and in

18 such case the action may be begun within one year after
19 the appointment of such executor or administrator. If
20 from physical or mental incapacity it is impossible for
21 the person injured to give the notice within the time
22 provided in this section, he may give it within ten days
23 after such incapacity has been removed, and if he dies
24 within said ten days his executor or administrator may
25 give such notice within sixty days after his appointment.
26 If the employer dies without such notice having been
27 given and before the time for giving such notice has
28 elapsed, the notice may be given to his executor or
29 administrator, and the time within which the notice
30 may be given as herein provided shall run from the
31 appointment of the executor or administrator. A notice
32 given under this section shall not be held invalid or
33 insufficient solely by reason of an inaccuracy in stating
34 the time, place or cause of the injury if it is shown that
35 there was no intention to mislead, and that the employer
36 was not in fact misled thereby. If the employer dies
37 without such action having been brought and before
38 the time for bringing the action has elapsed, the action
39 may be begun against his executor or administrator not
40 less than six months and not more than one year after
41 the executor or administrator has given bond for the
42 performance of his trust. Any form of written commu-
43 nication signed by the person so injured, or by some
44 person in his behalf, or by his executor or administrator,
45 or by some person in behalf of such executor or adminis-
46 trator, containing the information that the person was
47 so injured, giving the time, place and cause of the injury
48 or death, shall be considered a sufficient notice.

