

HOUSE No. 984

By Mr. Lane of Lawrence (by request), petition of Morris Michel-son for amendment of the law relative to bringing actions in the courts in connection with deaths by negligence or otherwise. Judiciary (Joint).

The Commonwealth of Massachusetts

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

An Act relative to Actions for Death in General.

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

1 General Laws, chapter two hundred and twenty-
2 nine, section five, as amended by acts of nineteen
3 hundred and twenty-two, chapter four hundred and
4 thirty-nine, and by acts of nineteen hundred and
5 twenty-five, chapter three hundred and forty-six, is
6 hereby amended by striking out the present section
7 and substituting therefor the following: —

8 *Section 5.* Except as provided in sections one,
9 two and three, a person who by his negligence, or
10 by the negligence of his agents or servants while
11 engaged in his business, causes the death of a per-
12 son in the exercise of due care who is not in his em-
13 ployment or service, or who by his wilful, wanton, or
14 reckless act, or by the wilful, wanton, or reckless act
15 of his agents or servants while engaged in his busi-

16 ness, causes the death of a person who is not in his
17 employment or service, whether the person whose
18 death is so caused is in the exercise of due care or
19 not, shall be liable in damages in the sum of not
20 less than five hundred or more than ten thousand
21 dollars to be assessed with reference to the degree of
22 his culpability or that of his agents or servants, to
23 be recovered in an action of tort, commenced, except
24 as provided by section four, chapter two hundred
25 and sixty, within two years after the injury which
26 caused the death by the executor or administrator
27 of the deceased, to be distributed as provided in
28 section one.