

HOUSE No. 402.

HOUSE OF REPRESENTATIVES, Jan. 31, 1896.

[Introduced on leave by Mr. SHAW of Boston.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-six.

AN ACT

Relative to the Liability of Employers to make Compensation for Personal Injuries suffered by Employees in their Service.

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 1. Section three of chapter two hundred
2 and seventy of the acts of the year eighteen hundred and
3 eighty-seven as amended by chapter one hundred and fifty-
4 five of the acts of the year eighteen hundred and eighty-
5 eight and by chapter two hundred and sixty of the acts
6 of the year eighteen hundred and ninety-two, is hereby
7 amended by striking out in the eight and ninth lines the
8 words "and not more than five thousand," so as to read
9 as follows:—

10 Section 3. Except in actions brought by the personal
11 representatives under section one of this act to recover

12 damages for both the injury and death of an employee,
13 the amount of compensation receivable under this act
14 in cases of personal injury shall not exceed the sum of
15 four thousand dollars. In case of death which follows
16 instantaneously or without conscious suffering, compen-
17 sation in lieu thereof may be recovered in not less than
18 five hundred dollars, to be assessed with reference to the
19 degree of the culpability of the employer herein, or the
20 person for whose negligence he is made liable; and no
21 action for the recovery of compensation for injury or
22 death under this act shall be maintained, unless notice
23 of the time, place and cause of the injury is given to the
24 employer within thirty days, and the action is com-
25 menced within one year, from the occurrence of the acci-
26 dent causing the injury or death. The notice required
27 by this section shall be in writing, signed by the person
28 injured or by some one in his behalf; but if from physi-
29 cal or mental incapacity it is impossible for the per-
30 son injured to give the notice within the time provided
31 in said section, he may give the same within ten days
32 after such incapacity is removed, and in case of his death
33 without having given the notice and without having been
34 for ten days at any time after his injury of sufficient
35 capacity to give the notice, his executor or administrator
36 may give such notice within thirty days after his appoint-
37 ment. But no notice given under the provisions of this
38 section shall be deemed to be invalid or insufficient solely
39 by reason of any inaccuracy in stating the time, place or
40 cause of the injury: *provided*, it is shown that there was
41 no intention to mislead, and that the party entitled to
42 notice was not, in fact, misled thereby.

1 SECT. 2. This act shall take effect upon its passage.

