

# HOUSE . . . . . No. 108.

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HOUSE OF REPRESENTATIVES, Jan. 12, 1900.

[Introduced on leave by Mr. MacCartney of Rockland. Joint Judiciary.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

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### AN ACT

Relative to Right of Action for Fatal Injury or  
Death.

*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. Whenever any person is killed,  
2 or so injured that death ensues as the result of  
3 such injury, the legal representative of such per-  
4 son so killed or injured shall have a right of  
5 action against the person, firm or corporation  
6 through whose negligence or through the negli-  
7 gence of whose servants, agents or employees such  
8 killing or injury was caused, in which action dam-

9 ages may be recovered, to be assessed according  
10 to the degree of culpability of the person or ser-  
11 vants, agents or employees whose negligence  
12 caused such killing or injury; but in no case shall  
13 the damages be less than eight thousand dollars.  
14 The damages recovered shall be distributed among  
15 the widow, if any, and next of kin in accordance  
16 with the statute regulating the distribution of  
17 personal estate of intestates: *provided, however,*  
18 that if it is affirmatively proven that such killing  
19 or injury was caused by the want of due care and  
20 diligence of the deceased the action shall not be  
21 maintained.

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