

HOUSE No. 2218

Bill accompanying the petition of the Progressive Legislative Bureau for legislation to extend the provisions of the Workmen's Compensation act to employees of counties, cities and towns. Joint Judiciary. March 26.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To extend the Provisions of the Workmen's Compensation Act to Employees of Counties, Cities and Towns.

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. Counties, cities and towns within the
2 Commonwealth shall be liable in tort for any personal
3 injury sustained by an employee arising out of and in
4 the course of his employment, or for death resulting from
5 personal injury so sustained, in the same manner as a
6 private individual or corporation is liable at common law
7 or by statute; and to this extent such counties, cities
8 and towns shall be responsible for the acts or defaults of
9 all public officers, agents and employees in the same man-
10 ner as a private individual or corporation is responsible

11 at common law or by statute for the acts or defaults of
12 agents.

1 SECTION 2. The second paragraph of section two of
2 Part V of chapter seven hundred and fifty-one of the
3 acts of nineteen hundred and eleven is hereby amended
4 by adding to said paragraph the following words:— and
5 shall also include any county, city or town within the
6 commonwealth,—so as to read as follows:—“Em-
7 ployer” shall include the legal representative of a de-
8 ceased employer, and shall also include any county, city
9 and town within the commonwealth.

1 SECTION 3. Paragraph three of said section two of
2 Part V of chapter seven hundred and fifty-one of the
3 acts of nineteen hundred and eleven is hereby amended
4 by inserting in the fifth line thereof, after the word
5 “employer”, the words:— and shall also include every
6 person in the service of any county, city and town within
7 the commonwealth under any employment or contract of
8 hire, express or implied, oral or written, but shall not
9 include any public officer of such county, city or town,
10 whether elected or appointed,—so as to read as fol-
11 lows:—

12 “Employee” shall include every person in the serv-
13 ice of another under any contract of hire, express or im-
14 plied, oral or written, except one whose employment is
15 but casual, or is not in the usual course of the trade,
16 business, profession or occupation of his employer, and
17 shall also include every person in the service of any
18 county, city and town within the commonwealth under
19 any employment or contract of hire, express or implied,
20 oral or written, but shall not include any public officer
21 of such county, city or town, whether elected or ap-

22 pointed. Any reference to an employee who has been
23 injured shall, when the employee is dead, also include his
24 legal representatives, dependents and other persons to
25 whom compensation may be payable.

1 SECTION 4. Section two of Part V of chapter seven
2 hundred and fifty-one of the acts of nineteen hundred and
3 eleven is hereby further amended by adding at the end
4 thereof the following paragraph:—

5 “Right of action at common law” shall include any
6 right of action against a county, city or town which
7 would constitute a right of action at common law as
8 against a private individual or corporation.

1 SECTION 5. This act shall take effect the first day of
2 July, nineteen hundred and thirteen.

