

earned or for such week or weeks, including any fractions thereof, to which it can reasonably be considered to apply. If the length of the period to which the remuneration applies is not clearly identified, such period shall be determined by dividing such remuneration by the amount of the individual's average weekly wage.

*Approved August 5, 1957.*

*Chap. 633* AN ACT INCREASING THE AMOUNT OF INDEMNIFICATION PAYABLE BY THE COMMONWEALTH FOR THE PROTECTION OF ITS OFFICERS AND EMPLOYEES IN ACTIONS ARISING OUT OF THE OPERATION OF STATE-OWNED VEHICLES AND OF CERTAIN OF ITS OFFICERS AND EMPLOYEES IN ACTIONS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 3B of chapter 12 of the General Laws, as amended by chapter 544 of the acts of 1953, is hereby further amended by striking out, in line 27, the word "five" and inserting in place thereof the word:— ten, — and by striking out, in line 28 the second time it appears, the word "one" and inserting in place thereof the word:— five, — so as to read as follows:— Upon the filing with the attorney general of a written request of any officer or employee of the commonwealth or of the metropolitan district commission that the attorney general defend him against an action for damages for bodily injuries, including death at any time resulting therefrom, or for damage to property, arising out of the operation of a motor or other vehicle owned by the commonwealth, including one under the control of said commission, wherein such officer or employee consents to be bound by any decision that the attorney general may make in connection with the trial or settlement of such action, the attorney general shall, if after investigation it appears to him that such officer or employee was at the time the cause of action arose acting within the scope of his official duties or employment, or was especially assigned by his superior to operate such motor vehicle and certification of such special assignment is made by his superior and the head of the department or institution to which such state-owned vehicle is assigned, take over the management and defence of such action. The attorney general may adjust or settle any such action, at any time before, during or after trial, if he finds after investigation that the plaintiff is entitled to damages from such officer or employee, and in such case there shall be paid from the state treasury for settlement in full of such action from such appropriation as may be made by the general court for the purposes of this section such sum, not exceeding ten thousand dollars on account of injury to or death of one person, and not exceeding five thousand dollars on account of damage to property, as the attorney general shall determine to be

just and reasonable and as the governor and council shall approve.

SECTION 2. Said chapter 12 is hereby further amended by striking out section 3D, as most recently amended by chapter 580 of the acts of 1957, and inserting in place thereof the following section: — *Section 3D.* Upon the filing with the attorney general of a written request by any officer or employee of the department of mental health, public health or correction, of the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke, that the attorney general defend him against an action for damages for bodily injuries or infections, physical or mental agony or pain, death of any person, or any damage to property of another on the hospital grounds, arising out of the operation of said department of mental health, public health or correction, or of the Soldiers' Home in Massachusetts or the Soldiers' Home in Holyoke, the attorney general shall, if after investigation it appears to him that such officer or employee was at the time the cause of action arose acting within the scope of his official duties or employment, take over the management and defence of such action. The attorney general may adjust or settle any such action at any time before, during or after trial, if he finds after investigation that the plaintiff is entitled to damages from such officer or employee, and in such case there shall be paid from the state treasury for settlement in full of such action from such appropriation as may be made by the general court for the purposes of this section such sum, not exceeding ten thousand dollars on account of injury to or death of one person and not exceeding five thousand dollars on account of damage to property, as the attorney general shall determine to be just and reasonable and as the governor and council shall approve. If an execution issued on a final judgment in such an action is presented to the state treasurer by an officer qualified to serve civil process and if there is also presented to or on file with said state treasurer a certificate of the attorney general certifying that said execution was issued on a judgment in an action in which he appeared for and defended the defendant in accordance with the provisions of this section, there shall be paid from the state treasury from the appropriation above referred to the amount of the execution, including costs and interest, up to but not in excess of the respective limits hereinabove set forth.

*Approved August 5, 1957.*

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AN ACT PROVIDING FOR ADDITIONAL ASSISTANT CLERKS OF COURTS FOR THE COUNTIES OF ESSEX, MIDDLESEX AND WORCESTER. *Chap. 634*

*Be it enacted, as follows:*

Chapter 221 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 1 of chapter 354 of the acts of 1955, and inserting in place