

HOUSE No. 450.

HOUSE OF REPRESENTATIVES, Jan. 31, 1899.

[Introduced on leave by Mr. Carey of Haverhill. Probate and Insolvency.]

Commonwealth of Massachusetts.

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

AN ACT

Relative to Evidence in Actions for Personal Injuries and 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. In all actions to recover damages
2 for personal injury or death, or both, and whether
3 or not death, immediately or with an interval of
4 consciousness or unconsciousness, follows such
5 injury, the person to recover for whose injury or
6 death, or both, such action is brought shall, for the
7 purpose of such action, be presumed to have been
8 in the exercise of due care and diligence at the
9 time of the happening of such injury, unless the
10 contrary is affirmatively shown.

1 SECTION 2. In all cases where any person is
2 killed or is injured and afterwards dies before the
3 trial of an action brought to recover damages for
4 such killing or injury, or for such injury or death,
5 or at the time of such trial is physically or men-
6 tally incapable of testifying in such trial, such
7 persons shall, for the purpose of any action
8 brought to recover for such killing or injury or
9 for such injury or death, be presumed to have
10 been in the exercise of due care and diligence at
11 the time of receiving said injury.

1 SECTION 3. In any action to recover damages
2 for personal injury or death, or both, if the person
3 to recover for whose injury or death, or both,
4 such action is brought, died as the result of said
5 injury or was instantly killed at the time of said
6 injury, any statements as to the cause of said
7 injury or as to the circumstances thereof, if made
8 at the time of said injury or immediately after re-
9 gaining consciousness, if he was rendered uncon-
10 scious by such injury, may be shown at the trial
11 of such action and shall be admissable as tending
12 to prove such cause and circumstances.

1 SECTION 4. This act shall take effect upon its
2 passage.

