

# HOUSE . . . . . No. 970

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Bill accompanying the petition of I. J. Carleton for legislation relative to the liability of railroad corporations and street railway companies for injuries to employees. Joint Judiciary. January 27.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

### AN ACT

Relative to the Liability of Railway Companies for Injuries to Employees.

*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 four hundred  
2 and twenty of the acts of the year nineteen hundred and  
3 eight is hereby amended by striking out the word “ele-  
4 vated”, in the fourth line and by striking out the words  
5 “an elevated car which is in use by or which is in  
6 session of an elevated”, in the eleventh and twelfth  
7 lines thereof,—so as to read as follows:—*Section*  
8 3. The negligence of a person in the service of the  
9 employer who was in charge or control of a signal,  
10 switch, locomotive engine, elevated train or train upon

11 a railroad or railway; the employee, or his legal repre-  
12 sentatives, shall, subject to the provisions of the eight  
13 following sections, have the same rights to compensation  
14 and of action against the employer as if he had not been  
15 an employee, nor in the service, nor engaged in the  
16 work of the employer.

17 A car which is in use, or which is in possession of a  
18 railroad corporation, or railway corporation, shall be  
19 considered as a part of the ways, works or machinery of  
20 the corporation which uses or has it in possession,  
21 within the meaning of clause one of this section,  
22 whether it is owned by such corporation or by some  
23 other company or person. One or more cars which are  
24 in motion, whether attached to an engine or not, shall  
25 constitute a train within the meaning of clause three of  
26 this section, and whoever, as a part of his duty for the  
27 time being, physically controls or directs the move-  
28 ments of a signal, switch, locomotive engine, elevated  
29 train or trains shall be deemed to be a person in charge  
30 or control of a signal, switch, locomotive engine, ele-  
31 vated train or trains within the meaning of said clause.

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