

HOUSE No. 182.

[House No. 150, as modified and substituted for Senate No. 43.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty.

AN ACT

Providing Damages for the Death of a Person by reason of negligence on a Highway or Railroad.

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. If the life of a person is lost by
2 reason of a defect or want of repair of a highway,
3 town way, causeway, or bridge, or for want of suit-
4 able rails on such way or bridge, the county, town,
5 or person, by law obliged to repair the same, shall
6 be liable in damages to the amount of one thousand
7 dollars, to be recovered in an action of tort by the
8 executor or administrator of the deceased person, for

9 the use of the widow and children of the deceased,
10 in equal moieties; but if there are no children, to
11 the use of the next of kin: *provided* that the county,
12 town, or person had previous reasonable notice of the
13 defect or want of repair of such way or bridge.

1 SECT. 2. If by reason of the negligence or care-
2 lessness of a railroad corporation, or of the unfitness,
3 or gross negligence, or carelessness of its servants or
4 agents while engaged in its business, the life of any
5 person being a passenger is lost, or the life of any
6 person being in the exercise of due diligence, and
7 not being a passenger, or in the employment of such
8 corporation, is lost, in either case the corporation
9 shall be liable in damages not exceeding five thou-
10 sand dollars, nor less than five hundred dollars, to be
11 recovered in an action of tort by the executor or
12 administrator, for the use of the persons as specified
13 in the preceding section: *provided* that the corpora-
14 tion shall not be so liable for the loss of life by any
15 person while walking or being upon its road contrary
16 to law or the reasonable rules and regulations of the
17 corporation.

1 SECT. 3. No action shall be prosecuted under
2 either of the preceding sections unless it be com-
3 menced within two years from the injury causing
4 the death.

1 SECT. 4. Section twenty-one of chapter forty-four
2 of the General Statutes, and sections one hundred

3 and sixty-three and one hundred and sixty-four of
4 the acts of the year eighteen hundred and seventy-
5 four are hereby repealed; but such repeal shall not
6 affect any prosecution commenced prior to the time
7 when this act shall take effect.

