

HOUSE . . . No. 37.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, February 1, 1865.

The Committee on the Judiciary, to whom was referred the Petition of G. A. Somerby and others for legislative action so as to clearly indicate the meaning of section ninety-eight of chapter sixty-three of the General Statutes, report the accompanying Bill.

Per order,

H. H. COOLIDGE, *for the Committee.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Five.

AN ACT

Concerning the Liability of Railroad Corporations in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

1 SECT. 1. The ninety-eighth section of the sixty-
2 third chapter of the General Statutes is hereby
3 amended by inserting after the word "children" in
4 the eighth line of said section, the words, "of the
5 deceased, in equal moieties; but if there are no chil-
6 dren, to the use of the widow, or if no widow, to the
7 use of the next of kin."

1 SECT. 2. The ninety-ninth section of said chapter
2 of the General Statutes is hereby amended by adding
3 thereto the words, "*provided*, that if such corporation

4 is acquitted upon the ground of a variance between
5 the indictment and the proof, or upon an exception
6 to the form or substance of the indictment, such
7 acquittal shall be no bar to another prosecution 'by
8 indictment for the same offence if begun within one
9 year after such acquittal."

1 SECT. 3. This act shall take effect upon its passage.

