

HOUSE No. 72.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 9, 1881.

The Committee on the Judiciary, to whom was referred the Order relative to recovery, by actions of tort, of penalties for loss of life by negligence of railroad corporations, report the accompanying Bill.

For the Committee,

SAM'L. HOAR.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-one.

AN ACT

Providing for the Trial of Actions against Railroad Corporations for Loss of Life by Negligence.

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, by reason of the negligence or
2 carelessness of a railroad corporation, or of the
3 unfitness or gross negligence or carelessness of its
4 servants or agents, while engaged in its business,
5 the life of any person, being a passenger, is lost ; or
6 the life of any person, being in the exercise of due
7 diligence, and not being a passenger or in the em-
8 ployment of such corporation, is lost, — in either case
9 the corporation shall be liable in damages not ex-
10 ceeding five thousand dollars, nor less than five hun-
11 dred dollars, to be recovered in an action of tort, by
12 the executor or administrator of the deceased person,
13 for the use of the widow and children of the de-

14 ceased, in equal moieties; but if there are no chil-
15 dren, to the use of the widow, or if no widow, to the
16 use of the next of kin; *provided*, that the corpora-
17 tion shall not be so liable for the loss of life by any
18 person while walking or being upon its road con-
19 trary to law or the reasonable rules and regulations
20 of the corporation.

1 SECT. 2. No action shall be prosecuted under
2 this act unless it be begun within two years from the
3 injury causing the death.

1 SECT. 3. Sections one hundred and sixty-three
2 and one hundred and sixty-four of chapter three
3 hundred and seventy-two of the acts of the year
4 eighteen hundred and seventy-four are hereby re-
5 pealed; but such repeal shall not affect any prosecu-
6 tion begun prior to the time when this act shall take
7 effect.

