HOUSE....No. 143.

[Reported by the Special Committee on Railroad Accidents.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Nine.

AN ACT

Concerning Employees of Railroads.

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

If any employee of any railroad corporation in this Commonwealth shall lose his life by being brought in contact, while in the service of such corporation, upon any train in motion, with any bridge, over the road of said corporation, which is so constructed or placed, as to leave a clear space of less

than seven feet between said bridge and any car running upon the road of said corporation, such corporation shall be liable to a fine not exceeding one thousand, nor less than five hundred dollars, to be recovered by indictment, to the use of the executor or administrator of the deceased person, for the use of his widow and heirs, one moiety thereof to go to the widow, and the other moiety to the children of the deceased; but, if there shall be no children, the whole to the widow; and, if no widow, to the heirs according to the law regulating the distribution of intestate personal estate among heirs: *provided, however*, that, if such corporation shall show, upon the trial of any indictment under this act, that the deceased employee was guilty of gross negligence, this shall be deemed, and taken to be, a good and valid defence to such prosecution.