

HOUSE No. 459.

HOUSE OF REPRESENTATIVES, JAN. 20, 1908.
Introduced on leave by Mr. O'Donnell of Lowell. Joint Judiciary.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

Relative to the Recovery of Damages under the Act to
provide for the Liability of Employers.

*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 seventy-three of chapter one
2 hundred and six of the Revised Laws is hereby
3 amended by adding at the end thereof the follow-
4 ing:— If, as the result of the negligence of an em-
5 ployer himself, an employee sustains an injury
6 which results in his death, and such death is not in-
7 stantaneous or is preceded by conscious suffering,
8 and if there is any person who would be entitled to
9 bring an action under the provisions of section sev-
10 enty-three, the legal representatives of said em-

11 ployee may in an action brought for the injury, re-
12 cover damages for the death in addition to those for
13 the injury; but the amount of damages which may
14 be awarded in such action, if damages for his death
15 are claimed, shall not exceed five thousand dollars
16 for both the injury and the death, and shall be ap-
17 portioned by the jury between the legal representa-
18 tives of the employee and the persons who would
19 have been entitled under the provisions of section
20 seventy-three to bring an action for his death if it
21 had been instantaneous or without conscious suffer-
22 ing. If damages are awarded for the death they
23 shall be assessed with reference to the degree of cul-
24 pability of the employer.

1 SECTION 2. This act shall take effect upon its pas-
2 sage.