

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

HOUSE.

No. 110.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

AN ACT to amend section sixty-five of chapter six of the revised statutes, relating to damage on ways, as amended by chapter two hundred and fifteen of the public laws of eighteen hundred and seventy-four, and chapter ninety-seven of the public laws of eighteen hundred and seventy-six.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Section sixty-five of chapter eighteen of 2 the revised statutes, as amended by chapter two hun- 3 dred and fifteen of the public laws of eighteen hundred 4 and seventy-four, and chapter ninety-seven of the 5 public laws of eighteen hundred and seventy-six, is 6 hereby further amended so as to read as follows :

Sect. 65. If any person receives any bodily injury, 2 or suffers any damage in his property, through any

3 defect or want of repair or sufficient railing in any
4 highway, townway, causeway or bridge, he may re-
5 cover for the same, in a special action on the case, to
6 be commenced within one year from the date of
7 receiving such injury, or suffering damage, of the
8 county, town or person obliged by law to repair the
9 same, if the county commissioners of such county, the
10 municipal officers, road commissioners or highway sur-
11 veyors of such town, or some one of them, or such
12 person, had, at least, twenty-four hours' notice of the
13 defect or want of repair ; and any person who sustains
14 any injury or damage, as aforesaid, shall notify the
15 county commissioners of such county, the municipal
16 officers, or some one of them, of such town, or person,
17 within fourteen days thereafter, by letter or otherwise
18 in writing, setting forth his claim for damages and
19 specifying the nature of his injury, the nature and
20 location of the defect which caused such injury. If
21 the life of any person is lost through any such defi-
22 ciency, his executor or administrator may recover of
23 the parties liable to keep the same in repair, in an
24 action on the case, brought for the benefit of the estate
25 of the deceased, such sum as the jury may deem rea-
26 sonable as damages, if the parties liable had notice, as
27 aforesaid, of the deficiency which caused the loss of
28 life ; at the trial of any such action the court may,

29 on motion of either party, order a view of the premises
30 where the defect or want of repair is alleged to have
31 existed, when it would materially aid in a clear under-
32 standing of the case.

SECT. 2. All acts and parts of acts inconsistent with
2 this act are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 1, 1877. }

Reported from the Committee on the Judiciary, by Mr. WENTWORTH of Bradford,
and ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*