

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

Chapter 213.**CHAP. 213.**

An act to restrict the operation of clause eight, section four of chapter one of the revised statutes, relating to the words "insane persons."

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

The eighth clause of section four of chapter one of the revised statutes, so far as it authorizes the words "insane persons" to be construed to include an idiotic or non compos person, is hereby limited and restricted in its operation so that it shall not apply to chapter one hundred and forty-three of the revised statutes, relating to the insane hospital, nor to any acts amendatory thereof or additional thereto.

Eighth clause, sec. 4, ch. 1, R. S., construction of.

Approved March 3, 1874.

Chapter 214.

An act relating to ways across railroads.

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

Townways and highways may be laid out across, over or under any railroad track, in the manner provided by law for laying out such ways ; and the expense of building and maintaining so much of such way, so laid out, as is within the limits of such railroad, shall be borne by the railroad company whose track is so crossed.

Town roads crossing railroads, how built and maintained.

Approved March 3, 1874.

Chapter 215.

An act to amend section sixty-five of chapter eighteen of the revised statutes, relating to notice for damage on ways.

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

SECT. 1. Section sixty-five of chapter eighteen of the revised statutes, is hereby amended so as to read as follows :

Sec. 65, ch. 18, R. S., amendment of.

'SECT. 65. If any person receives any bodily injury, or suffers any damage in his property through any defect, or want of repair, or sufficient railing in any highway, townway, causeway or bridge, he may recover for the same in a special action on the case, to be commenced within one year from the date of receiving such injury, or suffering damage, of the county, town or persons obliged by law to repair the same, if such county, town or person had reason-

Persons injured by defective highways may recover damages.

CHAP. 216.

Person injured, shall notify county commissioners, &c.

Loss of life, damages, how recovered.

View of premises.

Notice not affect pending suits.

able notice of the defect or want of repair ; and any person who sustains any injury or damage as aforesaid, shall notify the county commissioners of such county, the municipal officers of such town, or person, within sixty days thereafter, by letter or otherwise, setting forth his claim for damages, and specifying the nature of his injuries. If the life of any person is lost through any such deficiency, his executor or administrator may recover of the parties liable to keep the same in repair, in an action on the case brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had reasonable notice of the deficiency which caused the loss of life. At the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged to have existed, when it would materially aid in a clear understanding of the case.

SECT. 2. The above named notice by the person sustaining injury or damage, shall not affect pending suits, nor apply to any injury or damage already sustained.

Approved March 3, 1874.

Chapter 216.

An act to amend chapter one hundred and fifteen, sections one and two of the public laws of eighteen hundred and seventy-three, relating to free high schools.

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

Sec. 1, ch. 116, laws of 1873, amendment of.

Chapter one hundred and fifteen, section one, of the public laws of eighteen hundred and seventy-three, is hereby amended by inserting after the word "mixed," in the fourth line the following words, 'or any part thereof,' and by inserting after the word "plantation," in the seventh line, words as follows, 'or trustees of any school fund in any town'; and also by striking out the word "or" in the ninth line, and inserting after the word "assessors," in the same line, the words 'or said trustees,' and also by inserting after the word "officers," in the twelfth line, the following words, 'or trustees.' And section two of said chapter is hereby amended by inserting in line four after the word "plantation," the following words, 'or said trustees of any school fund,' so that sections one and two of said chapter as amended shall read as follows :

Trustees of academies, &c., may surrender property to establish free high schools.

SECT. 1. The trustees of any academy or other corporation formed for educational purposes in this state, are hereby authorized to surrender the property belonging to said academy or