

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

HOUSE.

No. 133.

STATE OF MAINE.

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

AN ACT to amend section sixty-one, chapter eighteen of the revised statutes, relating to damages from defective highways.

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

Section sixty-one of chapter eighteen of the revised
2 statutes is hereby so amended as to read thus:
3 *Sect. 61.* If any person receive any bodily injury or
4 suffer any damage in his property through any defect
5 or want of repair or of sufficient railing in any high-
6 way, town way, causeway or bridge, he may recover
7 for the same in a special action on the case to be com-
8 menced within three years from the date of receiving
9 such injury or suffering such damage of the county,
10 town, or persons obliged by law to repair the same, if

11 such county, town or person had reasonable notice of
12 the defect or want of repair. If the life of any person
13 be lost through any such deficiency his executor or
14 administrator may recover of the parties liable to keep
15 the same in repair, in an action on the case, brought
16 for the benefit of the estate of the deceased, such sum
17 as the jury may deem reasonable as damages, if the
18 parties liable had reasonable notice of the deficiency
19 which caused the loss of life ; but this act shall not
20 apply to cases now pending, and in any instance where
21 such cause of action has already accrued an action
22 may be commenced within six months from the time
23 this act takes effect.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 10, 1870. }

Reported by Mr. SMITH of Saco, from the Committee on the
Judiciary, and printed under the rules.

S. J. CHADBOURNE, *Clerk.*