

# MAINE STATE LEGISLATURE

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# FIFTY-THIRD LEGISLATURE.

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HOUSE.

No. 78.

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## STATE OF MAINE.

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

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

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

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

4 *Sect. 65.* If any person receives any bodily injury  
5 or suffers any damage in his property, through any  
6 defect or want of repair, or sufficient railing in any  
7 highway, town way, causeway, or bridge, he may  
8 recover for the same in a special action on the case, to  
9 be commenced within two years from the date of  
10 receiving such injury or suffering such damage, of the

11 county, town or persons obliged by law to repair the  
12 same, if such county, town or person had reasonable  
13 notice of the defect or want of repair ; and any person  
14 who sustains any injury or damage as aforesaid, shall  
15 notify such county, town or person, within sixty days  
16 thereafter, by letter or otherwise, setting forth his  
17 claim for damages. If the life of any person is lost  
18 through any such deficiency, his executor or adminis-  
19 trator may recover of the parties liable to keep the  
20 same in repair, in an action on the case, brought for  
21 the benefit of the estate of the deceased, such sum as  
22 the jury may deem reasonable as damages, if the par-  
23 ties liable had reasonable notice of the deficiency  
24 which caused the loss of life. At the trial of any such  
25 action the court may, on motion of either party, order  
26 a view of the premises where the defect or want of  
27 repair is alleged to have existed, when it would mate-  
28 rially aid in a clear understanding of the case.

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

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 20, 1874. }

Reported from Committee on Legal Affairs, by Mr. DAVIS, and  
ordered printed under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*