

MAINE STATE LEGISLATURE

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FIFTY-FIFTH LEGISLATURE.

HOUSE.

No. 39.

STATE OF MAINE.

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

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

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 acts of eighteen hundred seventy-
4 four, is hereby further amended so as to read as follows:
5 *Sect. 65.* If any person receives any bodily injury or
6 suffers any damage in his property through any defect
7 or want of repair, or sufficient railing in any highway,
8 town way, causeway or bridge, he may recover for the
9 same in a special action on the case, to be commenced

10 within one year from the date of receiving such injury
11 or suffering such damage, of the county, town or per-
12 sons obliged by law to repair the same, if such county,
13 town or person had reasonable notice of the defect or
14 want of repair. If the life of any person is lost through
15 any such deficiency, his executor or administrator may
16 recover of the parties liable to keep the same in repair,
17 in an action on the case brought for the benefit of the
18 estate of the deceased, such sum as the jury may deem
19 reasonable as damages, if the parties liable had rea-
20 sonable notice of the deficiency which caused the loss
21 of life. At the trial of any such action, the court
22 may, on motion of either party, order a view of the
23 premises where the defect or want of repair is alleged
24 to have existed, where it would materially aid in a
25 clear understanding of the case.

SECT. 2. All acts and parts of acts inconsistent here-
2 with are hereby repealed.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 28, 1876. }

Reported from the Committee on the Judiciary by Mr. EAST-
MAN of Saco, and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*