

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

SENATE.

No. 31.

STATE OF MAINE.

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

[S. 33.] 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, and chapter ninety-seven of public laws of eighteen hundred 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, relating to damages on ways, as
3 amended by chapter two hundred and fifteen public
4 laws of eighteen hundred seventy-four, and chapter
5 ninety-seven public laws of eighteen hundred seventy-
6 six, is hereby further amended so as to read as follows :

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

9 defect or want of repair or sufficient railing in any
10 highway, town-way, causeway or bridge, he may re-
11 cover for the same, in a special action on the case, to
12 be commenced within one year from the date of receiv-
13 ing such injury, or suffering damage, of the county or
14 town obliged by law to repair the same, if the commis-
15 sioners of such county or the municipal officers, high-
16 way surveyors or road commissioners of such town had
17 twenty-four hours' notice of the defect or want of re-
18 pair ; and any person who sustains any injury or dam-
19 age, as aforesaid, shall notify the county commission-
20 ers of such county, the municipal officers, or some one
21 of them, of such town, or person, within sixty days
22 thereafter, by letter or otherwise, in writing, setting
23 forth his claim for damages and specifying the nature
24 of his injuries, the nature and location of the defect
25 which caused such injury. If the life of any person is
26 lost through any such deficiency, his executors or ad-
27 ministrators may recover of such county or town liable
28 to keep the same in repair, in an action on the case,
29 brought for the benefit of the estate of the deceased,
30 such sum as the jury may deem reasonable as damages,
31 if the parties liable had said notice of the deficiency
32 which caused the loss of life ; at the trial of any such
33 action the court may, on motion of either party, order

34 a view of the premises where the defect or want of
35 repair is alleged to have existed when it would materi-
36 ally aid in a clear understanding of the case.

SECT. 2. This act shall not affect suits now pending
2 nor rights of action already accrued.

STATE OF MAINE.

IN SENATE, January 31, 1877.

On motion by Mr. VINTON,

ORDERED, That it lie on the table and be printed as amended.

SAMUEL W. LANE, *Secretary*.