

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 7.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to provide a remedy for injuries causing
death.

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

SECTION 1. Whosoever the death of a person
2 shall be caused by wrongful act, neglect, or de-
3 fault, and the act, neglect, or default, is such as
4 would (if death had not ensued) have entitled the
5 party injured to maintain an action and recover
6 damages in respect thereof, then, and in every
7 such case, the person who, or the corporation
8 which, would have been liable, if death had not
9 ensued, shall be liable to an action for damages,
10 notwithstanding the death of the person injured,
11 and although the death shall have been caused

12 under such circumstances as amount in law to a
13 felony.

SECT. 2. Every such action shall be brought by
2 and in the name of such deceased person, and the
3 amount recovered in every such action shall be
4 for the exclusive benefit of the widow and next of
5 kin of such deceased person, and shall be dis-
6 tributed to such widow and next of kin in the pro-
7 portion provided by law in relation to the dis-
8 tribution of personal property left by persons dying
9 estate; and in every such such action the jury
10 may give such damages as they shall deem a fair
11 and just compensation, with reference to the
12 pecuniary injuries resulting from such death to the
13 wife and next of kin of such person; *provided* that
14 every such action shall be commenced within two
15 years after the death of such person.

SECT. 3. If, and so often as it shall happen, at
2 any time or times hereafter, in any of the cases
3 intended and provided for by this act, that there
4 shall be no executor or administrator of the person
5 deceased, or that, there being such executor or
6 administrator, no such action as hereinbefore men-
7 tioned shall within six months after the death of
8 such deceased person as hereinbefore mentioned,

9 have been brought by and in the name of his or
10 her executor or administrator, then and in every
11 such case such action may be brought by and in
12 the name or names of all or any of the persons (if
13 more than one) for whose benefit such action would
14 have been, if it had been brought by and in the
15 name of such executor or administrator; and every
16 action so to be brought shall be for the benefit of
17 the same person or persons, and shall be subject
18 to the same regulations and procedure, as nearly
19 as may be, as if brought by and in the name of
20 the executor or administrator of such deceased
21 person; *provided*, that in every such case such
22 action shall be commenced within two years and
23 six months from the death of such person.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 19, 1883. }

Presented by Mr. HEATH of Augusta, and on his motion ordered
printed.

ORAMANDAL, SMITH, *Clerk.*