

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 134.

[NEW DRAFT.]

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

11 death shall have been caused under such circum-
12 stances as amount in law to a felony.

SECT. 2. Every such action shall be brought by
2 and in the name of the executor or administrator
3 of such deceased person, and the amount recov-
4 ered in every such action shall be wholly to the
5 use of the widow of such deceased person, if no
6 children; and to the children, if no widow; if
7 both, to her and them equally; if neither, to his
8 heirs. And in every such action the jury may
9 give such damages, not exceeding five thousand
10 dollars, as they shall deem a fair and just com-
11 pensation, with reference to the pecuniary injuries
12 resulting from such death to the aforesaid bene-
13 ficiaries; *provided*, that every such action shall be
14 commenced within two years after the death of
15 such person.

SECT. 3. Whenever there shall be no executor
2 or administrator of such deceased person, or,
3 whenever there being such executor or adminis-
4 trator no such action shall within six months after
5 the death of such deceased person have been
6 brought as provided in section two, then such
7 action may be brought by and in the name or
8 names of all or any of the persons for whose

9 benefit such action would have been brought as
10 provided in section one; and every action so
11 brought shall be for the benefit of the same persons
12 and shall be subject to the same procedure, as nearly
13 as may be, as if brought as provided in said sec-
14 tion one; *provided*, that in every such case such action
15 shall be commenced within two years and six
16 months from the death of such person.

SECT. 4. Nothing herein contained shall affect
2 pending actions or indictments.

SECT. 5. Sections thirty-six and thirty-seven of
2 chapter fifty-one of the revised statutes are here-
3 by repealed.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 26, 1883. }

Reported from the Committee on the Judiciary by Mr. HEATH
of Augusta, and ordered printed under the Joint Rule.

F. L. PATTEN, *Clerk pro tem.*