

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 71.

STATE OF MAINE.

RESOLVE providing for the payment of certain
claims against the Insane Hospital.

Resolved, That the sum of three thousand six
2 hundred and eighty dollars be and hereby is appro-
3 priated in favor of the Maine Insane Hospital, to
4 be expended by the trustees thereof, after deduct-
5 ing therefrom the sum of four hundred and eighty
6 dollars already expended for witnesses, physicians,
7 and referees, in settling the claims of Hannah E.
8 Casey and the legal representatives of Mercy E.
9 Moody, against said hospital, for personal injuries
10 received in a collision with a runaway team of said
11 hospital, October eleventh, eighteen hundred and
12 eighty-one; *provided, however,* that said parties
13 shall execute and deliver to said trustees a release
14 forever discharging said hospital from all claims
15 arising out of said accident.

STATEMENT OF FACTS.

The facts will be found on pages ten and eleven of the Report of the Trustees of the Insane Hospital for this year, viz. :

"October 11, 1881, the driver of the hospital team, Frank Winter, was sent to the Maine Central Railroad Depot in Augusta, to procure some heavy freight. The team was backed up to the freight-house in the ordinary way, as Mr. Winter and other truckmen had been in the habit of doing. While the driver was moving a heavy box to the team, the horse, without any exciting cause, suddenly started and ran towards the Kennebec Bridge. Crossing the bridge upon the run, the carriage collided with a team in which Mrs. Mercy E. Moody and Mrs. Hannah E. Casey were driving, both of whom were thrown out. Mrs. Casey received a severe injury to the hip, and Mrs. Moody was badly bruised, shaken up, and without doubt very much injured. Application was made to the Trustees for damages, Mrs. Moody claiming \$5,000 and Mrs. Casey \$3,000 damages, but we had no power to use the hospital funds for such a purpose.

October 19, 1882, through counsel employed by us—H. M. Heath of Augusta, and Messrs. Baker, Baker & Cornish representing Mrs. Moody and Casey, a reference was agreed upon, consisting of Judge John A. Peters, Ex-Judge Artemas Libbey, and Joel W. Taylor of Vassalboro', a gentleman competent for such duty. A hearing was had at the Court House in Augusta, November 27th last, occupying three days.

The institution was represented by Mr. Heath as counsel, while Messrs. Cushing, Oakes and Manley of the Trustees attended. We also employed as surgeons, Prof. S. H. Weeks, Dr. Seth C. Gordon, Dr. G. W. Martin, and Dr. D. P. Bolster; and the parties employed Drs. Geo. E. Brickett, L. J. Crooker, J. O. Webster, W. W. Bolan and W. P. Giddings, all of whom carefully examined the injured parties.

It was clearly proven that Mrs. Casey had received as a result of the accident a dislocation of the right hip. Mrs. Casey will be a cripple for life, and will never be able to walk without crutch or cane. Mrs. Moody, besides a severe bruising, &c., received, as an immediate result of the injury, a severe retroversion of the womb, and otherwise suffered in her general health, having been confined to her bed the greater part of the time since.

The referees awarded to Mrs. Casey the sum of seventeen hundred and twenty-five dollars (\$1,725), and to Mrs. Moody the sum of fourteen hundred and seventy-five dollars (\$1,475).

We are perfectly satisfied with this award, believing it to be no more than commensurate with the injuries received. We would respectfully recommend that the Legislature appropriate the sums necessary to pay the awards."

Under section 2, chapter 143, R. S., serious doubt exists as to the liability of the hospital to suit. The trustees, to avoid tedious and protracted litigation, believed a reference the better method of settlement. Inasmuch as any unusual depletion of the hospital funds would have to be made good by the State, the propriety of the assumption of the claim by the State would seem to be apparent.

The resolve is made up of the following items: Claim of Hannah E. Casey, \$1,725; claim of Mercy E. Moody, \$1,475; expense of referees, \$130; expense of physicians, \$350; total, \$3,680.

STATE OF MAINE.

IN SENATE, March 1, 1883.

On motion of Mr. YOUNG of Cumberland, laid on the table to be printed.

C. W. TILDEN, *Secretary.*