

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

Sixty-Fifth Legislature.

SENATE.

No. 11.

STATE OF MAINE.

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

AN ACT to amend section eighty of chapter eighteen of the
Revised Statutes relating to ways.

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

SECTION 1. Section 80 of chapter 18 of the Revised
2 Statutes is hereby amended by striking out of said section,
3 after the word "same" in the sixth line thereof, the words
4 "twenty-four hours actual," and inserting in their place
5 the word 'reasonable,' so that section as amended shall
6 read as follows :

'Section 80. Whoever receives any bodily injury, or suf-
2 fers damage in his property through any defect or want
3 of repair or sufficient railing, in any town way, highway,
4 or causeway or bridges, may recover for the same in a
5 special action on the case, to be commenced within one

6 year from the date of receiving such injury, or suffering
7 damage, of the county or town obliged by law to repair
8 the same; if the commissioners of such county or the
9 municipal officers, highway surveyors or road commis-
10 sions of said town had reasonable notice of the defect or
11 want of repair, but not exceeding two thousand dol-
12 lars in case of a town; and if the sufferer had notice of
13 the condition of such way, previous to the time of the
14 injury, he cannot recover of a town unless he has previ-
15 ously notified one of the municipal officers of the defec-
16 tive condition of such way. And any person who sus-
17 tains injury or damage, as aforesaid, shall within fourteen
18 days thereafter, notify one of the County Commissioners,
19 or of the municipal officers of such town, by letter or
20 otherwise, in writing, setting forth his claim for damages
21 and specifying the nature of his injuries and of the nature
22 and location of the defect which caused such injury. If
23 the life of any person is lost through such deficiency, his
24 executors or administrators may recover of such county
25 or town liable to keep the same in repair in an action on
26 the case, brought for the benefit of the estate of the
27 deceased, such sum as the jury may deem reasonable as
28 damages, if the parties liable had said notice of the defi-
29 ciency which caused the loss of life. At the trial of any
30 such action the court may, on motion of either party,
31 order a view of the premises when the defect or want of
32 repair is alleged, when it would materially aid in a clear
33 understanding of the case.'

STATE OF MAINE.

IN SENATE, January 28th, 1891.

Reported by Mr. HAINES from Committee on Legal Affairs and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*