

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PUBLISHED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE.

1865.

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AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1865.

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# FORTY-FOURTH LEGISLATURE.

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SENATE.

No. 8.

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## STATE OF MAINE.

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

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AN ACT to regulate the liability of towns for damages caused by defective ways.

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

SECTION 1. In actions against a town for damages  
2 arising from defects in ways, which the town is, by  
3 law, bound to keep in repair, the plaintiff shall be  
4 entitled to recover, when it shall appear to the satis-  
5 faction of the jury, that the injury suffered did not  
6 arise from the fault or negligence of the plaintiff or  
7 any one in his employment, or under his control, and  
8 that it would not have occurred but for the defect in  
9 the way ; and the plaintiff shall not be required to  
10 prove that the defect in the way was the sole cause of

11 the injury : and it shall be the duty of the judge pre-  
12 siding at the trial, to give instructions in accordance  
13 herewith.

SECT. 2. Nothing herein contained shall be construed  
2 to vary or impair or declare the rights, duties or liabil-  
3 ities of towns in respect to ways, except so far as  
4 expressly provided in the preceding section.

# STATE OF MAINE.

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IN SENATE, February 9, 1865.

Reported by Mr. VIRGIN, from the Committee on the Judiciary.

THOMAS P. CLEAVES, *Secretary.*