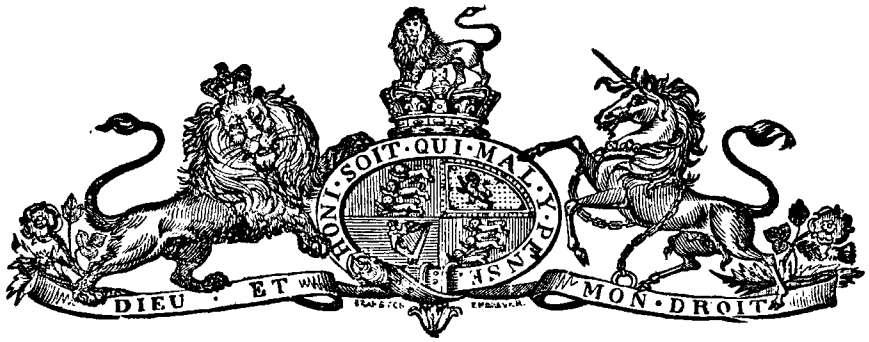


ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act for compensating the Families of Persons killed by Accidents. [26th *August* 1846.]

WHEREAS no Action at Law is now maintainable against a Person who by his wrongful Act, Neglect, or Default may have caused the Death of another Person, and it is oftentimes right and expedient that the Wrongdoer in such Case should be answerable in Damages for the Injury so caused by him: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whensoever the Death of a Person shall be caused by wrongful Act, Neglect, or Default, and the Act, Neglect, or Default is such as would (if Death had not ensued) have entitled the Party injured to maintain an Action and recover Damages in respect thereof, then and in every such Case the Person who would have been liable if Death had not ensued shall be liable to an Action for Damages, notwithstanding the Death of the Person injured, and although the Death shall have been caused under such Circumstances as amount in Law to Felony.

An Action to be maintainable against any Person causing Death through Neglect, &c., notwithstanding the Death of the Person injured.

Action to be for the Benefit of certain Relations, and shall be brought by and in the Name of Executor or Administrator of the Deceased.

II. And be it enacted, That every such Action shall be for the Benefit of the Wife, Husband, Parent, and Child of the Person whose Death shall have been so caused, and shall be brought by and in the Name of the Executor or Administrator of the Person deceased; and in every such Action the Jury may give such Damages as they may think proportioned to the Injury resulting from such Death to the Parties respectively for whom and for whose Benefit such Action shall be brought; and the Amount so recovered, after deducting the Costs not recovered from the Defendant, shall be divided amongst the before-mentioned Parties in such Shares as the Jury by their Verdict shall find and direct.

Only One Action shall lie, and to be commenced within 12 Months.

III. Provided always, and be it enacted, That not more than One Action shall lie for and in respect of the same Subject Matter of Complaint; and that every such Action shall be commenced within Twelve Calendar Months after the Death of such deceased Person.

Plaintiff to deliver a full Particular of the Person for whom such Damages shall be claimed.

IV. And be it enacted, That in every such Action the Plaintiff on the Record shall be required, together with the Declaration, to deliver to the Defendant or his Attorney a full Particular of the Person or Persons for whom and on whose Behalf such Action shall be brought, and of the Nature of the Claim in respect of which Damages shall be sought to be recovered.

Construction of Act.

V. And be it enacted, That the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; that is to say, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons or Things; and Words denoting the Masculine Gender are to be understood to apply also to Persons of the Feminine Gender; and the Word "Person" shall apply to Bodies Politic and Corporate; and the Word "Parent" shall include Father and Mother, and Grandfather and Grandmother, and Stepfather and Stepmother; and the Word "Child" shall include Son and Daughter, and Grandson and Granddaughter, and Stepson and Stepdaughter.

Act to take effect after passing, and not to apply to Scotland.

VI. And be it enacted, That this Act shall come into operation from and immediately after the passing thereof, and that nothing therein contained shall apply to that Part of the United Kingdom called *Scotland*.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.