CAP. XCV.

An Act to amend the Act Ninth and Tenth *Victoria*, Chapter Ninety-three, for compensating the Families of Persons killed by Accident. [29th *July* 1864.]

9 & 10 Vict. c. 93.

'WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty's Reign, intituled *An Act for compensating the Families of Persons killed by Accident*, it is amongst other things provided, that every such Action as therein mentioned shall be for the Benefit of the Wife, Husband, Parent, and Child of the Person whose Death shall have been so caused as therein mentioned, and shall be brought by and in the Name of the Executor or Administrator of the Person deceased: And whereas it may happen by reason of the Inability or Default of any Person to obtain Probate of the Will or Letters of Administration of the Personal Estate and Effects of the Person deceased, or by reason of the Unwillingness or Neglect of the Executor or Administrator of the Person deceased to bring such Action as aforesaid, that the Person or Persons entitled to the Benefit of the said Act may be deprived thereof; and it is expedient to amend and extend the said Act as herein-after mentioned:' 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, as follows:

Where no Action brought within Six Months by Executor of Person killed, then Action may be brought by Persons beneficially interested in Result of Action.

1. If and so often as it shall happen at any Time or Times hereafter in any of the Cases intended and provided for by the said Act that there shall be no Executor or Administrator of the Person deceased, or that there being such Executor or Administrator no such Action as in the said Act mentioned shall within Six Calendar Months after the Death of such deceased Person as therein mentioned have been brought by and in the Name of his or her Executor or Administrator, then and in every such Case such Action may be brought by and in the Name or Names of all or any of the Persons (if more than One) for whose Benefit such Action would have been, if it had been brought by and in the Name of such Executor or Administrator; and every Action so to be brought shall be for the Benefit of the same Person or Persons, and shall be subject to the same Regulations and Procedure as nearly as may be, as if it were brought by and in the Name of such Executor or Administrator.

Money paid into Court may be paid in One Sum, without regard to its Division into Shares.

2. 'And whereas by the Second Section of the said Act it is provided that 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 whose Benefit such Action shall be brought, and the Amount so recovered, after deducting the Costs not recovered from the Defendant, shall be divided between the before-mentioned Parties in such Shares as the Jury shall by their Verdict direct:' Be it enacted and declared, That it shall be sufficient, if the Defendant is advised to pay Money into Court, that he pay it as a Compensation in One Sum to all Persons entitled under the said Act for his wrongful Act, Neglect, or Default, without specifying the Shares into which it is to be divided by the Jury; and if the said Sum be not accepted, and an Issue is taken by the Plaintiff as to its Sufficiency, and the Jury shall think the same sufficient, the Defendant shall be entitled to the Verdict upon that Issue.

If not accepted, Defendant entitled to Verdict on the Issue.

Acts to be read as One.

3. This Act and the said Act shall be read together as One Act.