

1880, No. 15.

DEATHS BY
ACCIDENTS COM-
PENSATION.

AN ACT for compensating the Families of Persons killed by Accidents.

[17th August, 1880.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Deaths by Accidents Compensation Act, 1880."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Parent" includes father and mother, and grandfather and grandmother, and stepfather and stepmother :

"Child" includes son and daughter, and grandson and grand-daughter, and stepson and stepdaughter.

Action to be main-
tainable when death
is caused by wrongful
act, neglect, &c.

3. 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.

Action to be for
benefit of relations.

4. 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.

To be brought in
name of executor, &c.

5. Every such action shall be brought by and in the name of the executor or administrator of the person deceased; and 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.

Appropriation of
proceeds.

6. 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.

Money paid into
Court may be paid
in one sum.

7. If the defendant is advised to pay money into Court, it shall be sufficient that he pay it as a compensation in one sum to all persons entitled under this 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 on that issue.

Only one action shall
lie.

8. Not more than one action shall lie for the same subject-matter of complaint, and every such action shall be commenced within twelve months after the death of such deceased person.

Plaintiff to deliver
full particulars of
claim made.

9. In every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant or his solicitor 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.

Action may in certain
cases be brought by
persons beneficially
interested.

10. If at any time hereafter, in any of the cases provided for by this Act, it shall happen that there is no executor or administrator of the person deceased, or, that there being such executor or administrator, no such action as hereinbefore mentioned shall within six calendar months after the death of such deceased person as herein mentioned have been brought by and in the name of his or her executor or administrator, then 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.

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.

11. So much of "The English Acts Act, 1854," as declares that the Act of the Imperial Parliament hereinafter mentioned shall be taken to extend to this colony and applied therein in the administration of justice, that is to say, Statute 9 and 10 Victoria, c. 93, "An Act for Compensating the Families of Persons Killed by Accident," is hereby repealed.

Repeal of part of
"The English Acts
Act, 1854."
