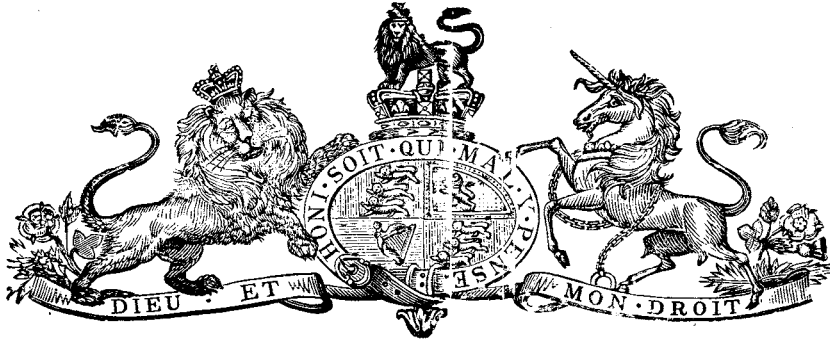


T A S M A N I A.

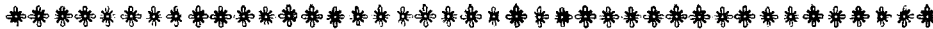


1903.

ANNO TERTIO

EDWARDI VII. REGIS,

No. 8.



AN ACT to amend the Act 16 *Victoria*, No. 11, A.D. 1903.  
for compensating the Families of Persons killed by Accident. [28 *November*, 1903.] [27 & 28 *Vict.*  
c. 95.]

**W**HEREAS by an Act passed in the Sixteenth Year of the Reign of Her late Majesty Queen *Victoria*, intituled "An Act for compensating the Families of Persons killed by Accidents," it is amongst other things provided 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 as therein mentioned, and shall be brought by and in the name of the Executor or Administrator of the Person deceased :

PREAMBLE.  
16 *Vict.* No. 11.

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 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 hereinafter mentioned :

4d.]

*Accidents Compensation Act Amendment.*

A.D. 1903.

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Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, 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**—(1.) If and so often as it shall happen at any time 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 months after the Death of such deceased Person as therein mentioned, have been brought by and in the Name of his 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: Provided such action shall be commenced within Twelve months after the death of such deceased person.

(2.) 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.

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

**2**—(1.) In any Action brought under the provisions of the said Act 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.

(2.) 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.

This and recited Act to be read as one.

**3** This Act and the said Act shall be read and construed together as one and the same Act.