

had complete's set (92100/1873)
 see later in date set of 1864 (27280/1865)
 who don't seem to have an equivalent
 unless it be embodied in it
 It is embodied in 1874
 1874, SS 3:4:5.



ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1865.

see Minister's House
 220/2105
 Addison's House 820 878

No. 1.

An Act for compensating the Families of Persons killed by Accidents.

[Assented to, 5th December, 1865.]

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 Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble. see Minister's House 220, 92, not 60.

1. Whenever 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. See No. 25 of 1874.

defendant's appeal
 see House 220 94

An action to be maintainable against any person causing death through neglect, &c., notwithstanding the death of the person injured. 1874, SS 3:4:5. 27280/1865. 31 & 92 25!

2. 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

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. If none, by whom? see 27280/1865. in 1874, SS 3:4:5. 1874, SS 3:4:5.

*Not more than one action: see (number) -
House 2ed, 102, my marginal note.*

Accidental Deaths Act.—1865.

whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defenders, shall be divided amongst the before-mentioned parties in such shares as the jury, by their verdict, or as the Court, if there be no jury, shall find and direct.

Setch? see S. 4

Only one action shall lie, and to be commenced within twelve months.

3. Not more than one action shall lie for and in respect of the same subject matter of complaint; and every such action shall be commenced within twelve calendar months after the death of such deceased person.

"on the record"
in 1846

Plaintiff to deliver a full particular of the person for whom such damages shall be claimed.

4. In every such action, the plaintiff shall be required 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.

20 1845-46
in subject "together with the Act"

Construction of Act.

5. 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—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.

genders: see
S. 5 of Act
of 1846

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.