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[CHAPTER 507]

AN ACT

To amend sections 1301 and 1303 of the Code of Law for the District of Columbia, relating to liability for causing death by wrongful act.

June 19, 1948
[S. 1265]
[Public Law 676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1301 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, is amended to read as follows:

D. C. Code, amendments.

"SEC. 1301. LIABILITY.—Whenever by an injury done or happening within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default, of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony; and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the spouse and next of kin of such deceased person; and shall also include the reasonable expenses of last illness and burial: *Provided*, That if there be a surviving spouse the jury shall allocate the portion of its verdict payable to the spouse and next of kin, respectively, according to the finding of damage to said spouse and next of kin: *Provided further*, That if in a particular case the verdict is deemed excessive the trial justice or the United States Court of Appeals for the District of Columbia, on appeal of the cause, may order a reduction of the verdict: *And provided further*, That no action shall be maintained under this chapter in any case when the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

31 Stat. 1394.
D. C. Code § 16–1201.
Death by wrongful act, etc.

Surviving spouse and next of kin.

Recovery of damages during life of party.

SEC. 2. Section 1303 of such Act is amended to read as follows:

"SEC. 1303. DISTRIBUTION OF DAMAGES.—The damages recovered in such action, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family and be distributed to the spouse and next of kin according to the allocation made by the verdict or judgment, or in the absence of such allocation, according to the provisions of the statute of distribution in force in said District of Columbia."

31 Stat. 1395.
D. C. Code § 16–1203.

Approved June 19, 1948.

[CHAPTER 508]

AN ACT

To amend sections 235 and 327 of the Code of Laws for the District of Columbia.

June 19, 1948
[S. 1442]
[Public Law 677]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 235 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is hereby amended to read as follows:

31 Stat. 1227.
D. C. Code § 12–101.

"SEC. 235. On the death of any person in whose favor or against whom a right of action may have accrued for any cause prior to his death, said right of action shall survive in favor of or against the legal representative of the deceased: *Provided, however*, That in tort

Survival of right of action.

Tort actions.