

CHAPTER 123.

[H. F. No. 716.]

General Laws of
1889, amending
Chap. 109.

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER ONE HUNDRED AND NINE (109) OF THE GENERAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO ACTIONS BY EXECUTORS, ADMINISTRATORS AND HEIRS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one (1) of Chapter one hundred and nine (109) of the General Laws of the State of Minnesota for the year one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

Action by ex-
ecutors, admin-
istrators and
heirs may be
maintained for
damages for
wrongful act or
omission caus-
ing death.

"Section 1. When death is caused by the wrongful act or omission of any party or corporation, the personal representative of the deceased may maintain an action, if he might have maintained an action, had he lived, for an injury caused by the same act or omission by which the death was caused.

Damages lim-
ited to \$5,000.

"But the action shall be commenced within two (2) years after the act or omission by which the death was caused. The damages therein cannot exceed five thousand dollars (\$5,000), and the amount received is to be for the exclusive benefit of the widow and next of kin, to be distributed to them in the same proportion as the personal property of deceased persons; *Provided*, That any demand for the support of the deceased, and funeral expenses, duly allowed by the probate court, shall be first deducted and paid."

Applies to pend-
ing cases.

SEC. 2. The provisions of this act shall apply to estates now pending, as well as to future cases.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 18, 1891.