

Campbell, dans une cause de *Hichs vs. Newport, Ahergenny & Hereford Railway Co.* Les remarques de Lord Campbell sont rapportées dans une note qui se trouve au bas de la page 401, 4 *Best & Smith's Reports, Queen's Bench*. Il s'exprime comme suit, en s'adressant aux jurés (17 février 1857) :

"Gentlemen, the case is entirely in your hands, and the
"only direction I can give you in point of law is, that you
"ought to consider the amount of the pecuniary loss which
"the family have sustained by the death of the father. You
"are not to look to the wants of the family, but to the loss
"they have sustained by the father's death; and I would
"say, in the words of a very learned brother Judge, take a
"reasonable view of the case and give a fair compensation.
"I think you should first consider what would be the sum
"if there were no insurances. What sum should you say?
"That is entirely for you to consider. If there were no
"insurances, what would be the amount? Well, then, if
"there be an insurance for £1000 by some Company that
"insured him against accidents by railways, and they being
"entitled to receive £1000 upon that policy, it is quite clear
"that there ought to be a deduction from the aggregate
"amount in respect of that £1000. Then with regard to
"the policies on his life independently of accident, if you
"allow any deduction (and I think you will probably con-
"sider that some deduction ought to be allowed) it will
"only be in respect, I should think, of the premiums that
"would be paid by the family, or which would have been
"paid by himself if this fatal accident had not happened."

"Dans la cause de *Jennings vs. la compagnie du Grand Tronc*, dont j'ai parlé plus haut, Lord Watson s'exprimait dans le même sens (13 *Law Reports*, p. 804) :

"Their Lordships are of opinion that all circumstances