

no other reason, there is nothing to indicate under which statute such action shall be brought, which right of action, which liability is to have the preference. It should be said that the phraseology of the first section of the English act can not be used with any propriety where the general law provides for the survival of causes of action for injury to the person, as it assumes that such causes of action do not survive; and, if so used, the circumstance of its origin should be taken into account, in the attempt to construe the statute, in competition with the survival act. The language in such case must be recognized as merely containing an erroneous assumption, with reference to the law of the State where it is adopted, and should not be deemed to have been used with the intent either of cutting down the survival act, or of restricting the natural meaning and operation of the statute itself.

CHARLES R. DARLING.

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## LORD CAMPBELL'S ACT.

### CHAPTER XCIII.

(Stat. 9 and 10 Victoria—26th August, 1846; as amended by Stat. 38 and 39 Victoria, ch. 66—11th August, 1875).

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;

I. *Be it therefore enacted*, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that whensoever 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.

II. *And be it enacted*, 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, 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, and for whose benefit, such action shall be brought, and