

in view of approaching death while in imminent danger from the injury received, and to the close of life.

Such damages are not necessarily nominal. What they should be depends upon the varying facts of each particular case, and are for the jury to assess, guided by the instructions of the court as to the law.

*Exception sustained.*

All concurred.

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CHESHIRE.

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JENNE v. HARRISVILLE.

Foreign unwritten law, including the prevailing construction of a foreign statute, may be proved by competent witnesses, and is a matter of fact determinable at the trial term.

CASE. The plaintiff is a citizen of Vermont, and questions were raised as to the law of that state.

*N. B. Bryant* (of Massachusetts) (*Lane & Dole* with him), for the plaintiff, cited Gen. Sts. Vt., c. 72, s. 1, and c. 20; *Poultney v. Glover*, 23 Vt. 328; *Brown v. Ramsay*, 29 N. J. L. 117; *Guild v. Guild*, 15 Pick. 129; *Cromwell v. Benjamin*, 41 Barb. 558; *Hillsborough v. Deering*, 4 N. H. 86.

*Batchelder & Faulkner*, for the defendants, cited 2 Kent Com. 459; Sto. Conf. Laws, s. 101; Gen. Sts. Vt., c. 72, s. 1; *Kelley v. Davis*, 49 N. H. 187.

DOE, C. J. Foreign unwritten law, including the prevailing construction of a foreign statute, may be proved by competent witnesses, and is a matter of fact determinable at the trial term. *Leach v. Pillsbury*, 15 N. H. 137; *Beach v. Workman*, 20 N. H. 379; *Watson v. Walker*, 23 N. H. 471; *Pickard v. Bailey*, 26 N. H. 152; *Holton v. Gleason*, 26 N. H. 501; *Emery v. Berry*, 28 N. H. 485; *Taylor v. Barron*, 30 N. H. 100; *Ferguson v. Clifford*, 37 N. H. 87; *Kennard v. Kennard* [*ante* 303, 308]; *Dyer v. Smith*, 12 Conn. 384; *Holman v. King*, 7 Met. 384; *Kline v. Baker*, 99 Mass. 253; 1 Gr. Ev., ss. 486, 488; Sto. Conf. Laws, ss. 637-639

*Case discharged.*

CARPENTER, J., did not sit: the others concurred.