

ston, 4 H. & N. 653. The burden of proof is, of course, upon the plaintiffs, who must shew by reasonable evidence that the continuance of life had either an immediate or a future value, financially, to him.

There can be no recovery for pain or suffering or other so-called sentimental damages—the basis being in every case purely financial loss, actual or expected.

The deceased young man had not been paying his parents, for whose benefit the action was brought, anything out of his wages. There is nothing, therefore, here of a basis founded upon the past to go by. And the case is, therefore, narrowed to a consideration of what, from all the circumstances, might reasonably be inferred as to the financial ability and the probable conduct of the deceased towards his parents in the future if he had lived.

The father, residing in England, is aged fifty-eight years, and the mother about four years younger. The father is a commercial traveller, earning about \$1,500 per annum, and in no present need of assistance, but he will be obliged, so he says, according to the rules of his employers, to retire at the age of sixty years. He has not been able to make savings. He has four other children, namely, three sons, all doing for themselves, and a daughter, at home. The sons, including Cecil, received a good and rather expensive education, and the father in his evidence says that there was an understanding with them, Cecil included, that they would assist their parents in their old age, in consideration of the large sums which had been expended on their education. . . . When Cecil left home, he was about sixteen years of age. When he died he was not quite twenty-one. . . . He entered the service of the defendants about a month before his death. . . . He apparently kept up a correspondence with his mother, writing for the first two years about every second week, but lately not so often. . . .

Upon the whole, while I regard the sum awarded by the jury as quite out of the question, I find myself, after much consideration, and not without some doubt, unable to say, having regard to the decisions, that the case could properly have been withdrawn from the jury. There were, to begin with, the good terms on which he stood with his parents, and especially with his mother, with whom he corresponded, his improved prospects in his new employment, and the promise. . . . to make some recoupment in consideration of the expense of his education, which, while not imposing a legal obligation, might well have been regarded by a man of his disposition as creating a moral