

can be estimated in money," to quote from Sir William Meredith. In the judgment of Moss, C.J.O., at page 374 of the report, we have the evidence said to be sufficient. Summarized it is this. The child was healthy, noted for his intellectual abilities, and of use to his mother in several ways, "being able to go a message for her if necessary and other minor things in the house." That is all the evidence as to the child, and all that is known of the father is that he is a bookkeeper. His means or other resources are not further disclosed.

Then Mr. Justice Osler says that a verdict for the plaintiff is warranted by the principle established in *Pym v. The Great Northern Ry. Co.*, 2 B. & S. 750; *Franklin v. The South Eastern Ry. Co.*, 3 H. & N. 211, and a number of other cases which he cites. None of those cases, however, go so far as the one under discussion. They are all authority for the position that a reasonable expectation alone is sufficient, but in all except *Pym's* case actual benefit already received was proved. In *Pym's* case the question of future benefit was the only one. A man had been killed and his wife and children lost the educational and social advantages they would have enjoyed from his expenditure of an income of £4,000 derived from a life estate. It was held that damages could be given for such loss.

Taking the evidence adduced in the case so far as shewn in the report and considering the grounds upon which the learned judges who affirmed the verdict came to that conclusion, the position appears to be this: Given a healthy and intelligent child of any age, there is a reasonable probability that he will be of pecuniary benefit to his father in the future which will entitle the latter to compensation in damages if the child is killed through negligence. It does not go quite as far as counsel for the railway company suggested to the Court of Appeal, namely, to cover the case of an unborn child, because their Lordships seem to consider the health and intelligence of the child to be essential elements. But so soon as a healthy child is old enough to exhibit mental characteristics, if these prove to be of the proper calibre, all the conditions exist to give his parents a pecuniary interest in his life.

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