

17th April, 1917, and the youngest child on the 18th March, 1919. The former was in the custody of the father, the latter in the custody of the mother, and the affidavits disclosed that each of the parents was able and willing to maintain and care for the children, and that arrangements existed on the part of each suitable for that purpose. Having regard to the tender age of the younger child, Beth McLaughlin, the mother should retain her custody of that child; and, having regard to the superior right of the father, as demonstrated in *Re Scarth* (1916), 35 O.L.R. 312, and *Re Mathieu* (1898), 29 O.R. 546, he should have the custody of the elder child; and suitable and convenient arrangements should be made whereby each of the parents should be enabled to have access to and visit the infant in the custody of the other parent. In directing such an arrangement, the learned Judge said, he was not without hopes that a reconciliation might result so that a common family relationship might be restored and the two children brought up together, as they should be. There should be no costs to either party. R. C. H. Cassels, for the father, the applicant. George Wilke, for the mother, the respondent.

CLARK v. TORONTO R.W. Co.—LENNOX, J.—JUNE 19.

Fatal Accidents Act—Reasonable Expectation of Benefit from Continuance of Life of Mother and Grandmother of Plaintiffs—Death Caused by Negligence of Defendants—Evidence—Findings of Jury—Damages—Quantum.]—Action by George Clark on behalf of himself and his two infant sons, under the Fatal Accidents Act, to recover damages for the death of Elizabeth Clark, his mother and the grandmother of the infants, who was killed in a collision of a motor-car in which she was being carried with a street-car of the defendants. The action was tried before LENNOX, J., and a jury, at a Toronto sittings. The jury made findings in favour of the plaintiff and assessed the damages of the plaintiff at \$1,000 and of the infants at \$1,500. LENNOX, J., in a written judgment, said that negligence was admitted, and the question for trial was the right of the plaintiff to recover, either on behalf of himself or of his children, for the death of his mother. The learned Judge said that he was not satisfied that there was evidence to found a reasonable expectation that the plaintiff and his children would have received from the deceased an aggregate sum reasonably approximating the total sum assessed. There was evidence of reasonable ground for the expectation that the plaintiff would continue to be assisted by his mother while the embarrassment of his wife's ill-