be sustained. (*Harris* v. *Butler*, 2 M. & W. 539; *Davis* v. *Williams*, 10 Q. B. 725.)

The daughter may be the chief source of the support of a widowed mother or aged father; her ruin while in service may be starvation to her parents; and yet the law of England is powerless to afford redress.

In a recent case the daughter of a widow was seduced. The daughter had gone into service in the family of one Ross, where she received wages as a domestic servant. While in the service of Ross, his son seduced her. The mother brought her action, but the action was held not to be maintainable, though it was shown that in the evenings, the daughter, with the consent of her mistress, made shirts for her mother, who was a shirt maker, and so assisted her mother to get an honest livelihood. Pollock, C. B., said, "We are all agreed that there was no service in this case. The service must be a real genuine service, such as a parent, master or mistress, may command. Here the girl did work for her mother by the consent of the lady who was her true mistress. It was argued that if a daughter making tea in the house of her parent is a sufficient service to entitle the parent to sue for the loss of such service, a parent might sue in the case of a domestic servant going home on Sunday evenings and making tea there. But here there was merely a permission, which might at any moment have been withdrawn. The entire services of the girl belonged to her master. However painful it may be that there should be a wrong without a remedy, we must leave the law as we find it. We cannot make that a service which was no service. The rule therefore will be absolute to enter a nonsuit." (*Thompson* v. *Ross*, 5 H. & N. 16.)

So in a still more recent case. The daughter had, till 1854, resided with her father and mother. In that year the father, owing to pecuniary difficulties, left them and went to lodge elsewhere. Then the daughter took a house in her own name, in which she carried on the business of a milliner, and thereby helped to maintain her mother and the younger members of the family. During 1856, when on a temporary visit to the house of a sister, she met the defendant and was seduced by him. The furniture in the house belonged to the father. He occasionally visited his family there, and contributed something towards their support. Still the action was held not to be maintainable. Williams, J., said, "However painful it is to make the maintenance of an action of this sort depend upon services rendered by the daughter, still as the law is so we are bound by it." (*Manly* v. *Field*, 7 C.B. N.S. 96.)

The rule in the United States is somewhat different. There, it is held that a father may maintain an action for the seduction of his daughter, though at the time of the seduction in the service of a third person, provided the service be under such circumstances that he is in a position to reclaim her services at his pleasure. The reason is that the consent of the father to his daughter's absence, and to her appropriating her wages to her own use, is treated as a mere license revokable at any time. (*Martin* v. *Payne*, 9 Johns. 387; *Hornketh* v. *Barry*, 8 Serg. & R. 36; *Bolton* v. *Miller*, 6 Indiana, 262.) It is not so clear that a widowed mother has under similar circumstances the same right—the authorities are conflicting on the point. (*South* v. *Dennison*, 2 Watts, 474; *Roberts* v. *Connelly*, 14 Alabama, 241; *Sargent* v. *Anon*, 5 Cow. 106; *Parker* v. *Meek*, 3 Sneed. 34.)

In Upper Canada, however, the legislature has made an attempt to place the law on a more satisfactory footing than it is either in England or in the United States. On 4th March, 1837, our legislature passed the 7th Wm. IV. cap. 8, entitled "An Act to make the remedy in cases of seduction more effectual," &c. It recited that in some cases the law failed in affording redress to parents whose daughters were seduced, and enacted that the father, or in case of his death the mother, of any unmarried female who might be seduced after the passing of the Act, and for whose seduction such father or mother could sustain an action in case such unmarried female were at the time dwelling under his or her protection, shall be entitled to maintain an action for seduction, notwithstanding such unmarried female was at the time of her seduction serving or residing with any other person upon hire or otherwise. In furtherance of the spirit of the Act, it was also enacted that upon the trial of any action for seduction brought by the father or mother, it shall not be necessary to give proof of any act or acts of service performed by the person seduced, but the same shall be in all cases presumed, and no proof shall be received to the contrary. (Con. Stat. U. C., cap. 77, sec. 1, 2.)

The effect of our act is apparently to rest the action rather on the relationship of parent and child than of master and servant. There is no doubt that it is more consonant with reason than the common law rule which still prevails in England, and to some extent still prevails in the United States. It is strange that the English legislature have not either abolished the action or made it more effective than it is there at present. One would expect, as the action there is rested solely on loss of service, that no damages could in the action be recovered beyond compensation for loss of service. Such however is not the case. The judges, who cling with such tenacity to the common law foundation of the action, have with strange inconsistency permitted the claim to damages to go much beyond mere loss of service. In England, as well as in