

"There remains, therefore, the assessment of the damages, and I am bound to say that this has given me more trouble than the decision of the other points in the case. Why the plaintiff should have been permitted to take an action for \$10,000 is one of those mysterious questions which Lord Dundreary would have said: "No fellow can find out." There was no possible justification for an action of that amount. Plaintiff is entitled only to material damages—nothing more. The deceased must have been a very remarkable young woman of 17 years for plaintiff, her father, to have suffered a material loss of \$10,000 by her death.

"On the other hand, in my humble opinion, there was no justification for the defendant-chauffeur fying the plea which he did. He fought the case to the limit, and persisted to the end that he should be exonerated from all blame, and that the action should be dismissed. The position of the one in a measure counterbalances that of the other. Otherwise the court might have been tempted to depart from the usual rule with respect to costs..

*M. A. Lemieux, avocat du demandeur.*

*Choquette, Galipeau, Boivin & Métayer, avocats du défendeur.*

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**NOTES:**—See *C. R.*, 1909, *Ryan vs Donnelly*, 15 *R. L.*, n. 8. 530, and my notes under the report.

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