

APPELLATE DIVISION.

NOVEMBER 3RD, 1913.

GOODWIN v. MICHIGAN CENTRAL R.R. CO.

Fatal Accidents Act—Damages for Death of Aged Father—Reasonable Expectation of Benefit from Continuance of Life—Pecuniary Loss by Premature Death—Accelerated Enjoyment of Estate—Loss of Anticipated Savings from Pension Enjoyed by Deceased—Evidence—State of Health of Deceased—Computation of Damages—Present Value of Annual Allowance for Five Years.

Appeal by the defendants from the judgment of BOYD, C., in favour of the plaintiffs, after the trial of the action before him, without a jury, at Welland, on the 21st May, 1913.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

W. B. Kingsmill, for the defendants.

G. Lynch-Staunton, K.C., for the plaintiffs.

The judgment of the Court was delivered by MEREDITH, C. J.O.:—The action is brought by the executors of James Goodwin, deceased, on behalf of his seven children, to recover damages, under the Fatal Accidents Act, for the death of the deceased, who was killed owing, as alleged, to the negligence of the appellant company.

That the death was caused by the negligence of the appellant company is not disputed; but it is contended that the persons on whose behalf the action is brought have suffered no pecuniary loss by his death, or at all events that the damages should have been assessed at a much less sum than \$1,650, the amount awarded by the Chancellor.

The facts, having regard to which the question in dispute is to be determined, are not in controversy. The deceased was a superannuated Methodist Minister, and was in receipt of an allowance of \$330 a year, during his life, from the Superannuation Fund of that church, and he was possessed of property of the value of about \$23,000, which by his will he left to his children in equal shares. He was eighty-two years old, and his expectation of life, according to the mortality tables, was shewn to be 3.90 years, but, according to the testimony of Dr.