their train, and the jury have in effect so found, upon evidence which fully justifies their conclusions.

With regard to the damages; at first sight the amount appears large, but the evidence on this branch of the case is fuller and more satisfactory than is commonly found in cases under the Fatal Injuries Act. The deceased was a young man in the prime of life, in good health, vigorous, industrious, and provident. He was in receipt of good wages, with a prospect of improving for some years, and, apart from the dangerous nature of his occupation, likely to continue in their receipt for a good number of years. The jury were cautioned by the trial Judge against accepting the full measure of the actuarial computations as to the loss estimated with reference to the evidence as to the deceased's age, state of health, earning power, and prospects, and it is quite apparent that they took heed of the warning, otherwise their award would have been much greater. They were fully directed as to the basis on which alone the damages were to be estimated, and cautioned to make allowance for nothing but what appeared to be actual pecuniary loss. And finally their attention was pointedly called to the fact of the receipt by the plaintiff Ada MacKay of the proceeds of insurance policies to the amount of $4,250, and they were directed to take that fact into consideration and make allowance for it. In these respects the charge followed the rules and principles enunciated in Grand Trunk R. W. Co. v. Jennings, 13 App. Cas. 800.

Having regard to the whole evidence bearing on this branch of the case, and considering what would have been the deceased's reasonable prospects of life, work, and remuneration, and how far these, if realized, would have conduced to the benefit of his widow and children, it cannot fairly be said that the jury have taken into consideration topics which they ought not to have taken into consideration, or have been influenced by any improper considerations, or have miscalculated, or that the amount they have awarded is at all so out of proportion to the circumstances as shewn by the evidence as to make it proper to interfere with their award.

The appeal should be dismissed with costs.

OSLER, GARROW, and MACLAREN, JJ.A., concurred.

MEREDITH, J.A., dissented.