

subsequent facts, may be valuable. The nature of the contingency must be considered. If it is purely conjectural, and cannot be reasonably anticipated to happen in the usual course of things, it is too uncertain. There must be proof legally tending to show and sufficient to satisfy the jury that it would happen. The chance that a father would pay a son's debt to procure his release from custody, has been held capable of estimation."

*Ibid*, s. 72.

The "*Risoluto*": In this case a French fishing brig of 142 tons, employed in the cod fishery off the Banks of Newfoundland, came in collision on the 6th of July, 1881, with an Italian barque, and in consequence of the collision was compelled to put into port for repairs, but her repairs having been completed, returned to the fishing ground before the close of the fishing season. In an action of damages instituted on behalf of the owners of the brig against the barque, the Court pronounced the barque solely to blame for the collision and referred the question of damages to the Registrar and merchants.

In giving his judgment on this reference, the Registrar said:

"A sum of 22,000 francs was allowed for loss of fishing. The vessel had a crew of twenty men and eight small boats, it being the practice for the boats, with two men in each and long lines, to surround the vessel whilst fishing. An immense number of French as well as native and somewhat smaller vessels, are engaged in the trade, some of them landing their fish from time to time, and others, including the '*Emma*,' taking everything they catch to Bordeaux, receiving a bounty for so doing from the French Government. The cod fishery opens late in April and ends in November. The '*Emma*' had left Dieppe as usual about the middle of March, with the necessary salt to preserve the fish to be caught by her, going straight to St. Pierre, to procure herrings as bait for the early fishing, and afterwards having damaged her windlass she had returned to St. Pierre, and having got a supply of bait for the later fishing, had only just resumed fishing when the collision in question occurred. At the close of the season she proceeded to Bordeaux and landed and sold 36,474 cod, which realized 37,855 francs. It was proved that the average number of fish caught by other vessels in those seas greatly exceeded that quantity, and that unless that was the case, the proceeds would not cover the expenses. The Registrar and merchants, therefore, came to the conclusion on the information furnished, especially by the defendants, that 22,000 francs