

under a disability until the plaintiffs' appointment, and as twenty years are allowed within which to bring an action in such a case, they were entitled to recover the annuity from February, 1890, and as the annuity was an express charge on the land, it might be sold to satisfy the arrears.

*Claude Macdonell and J. T. C. Thompson, for plaintiffs. Aylesworth, Q.C., and C. A. Moss, for defendants.*

Boyd, C., Ferguson, J., Robertson, J.]

[March 2.

RICKETTS v. VILLAGE OF MARKDALE.

*Municipal corporations — Negligence — Children playing on highway — Traffic and passage — Repair — Lord Campbell's Act — Loss of child — Damages — Reasonable expectation of pecuniary benefit.*

Children are entitled to play upon highways where there is no prohibitory local law and where their presence is not prejudicial to their ordinary user for traffic and passage, and municipal corporations are bound to keep them in repair, and are responsible for damages sustained by any person by reason of default in so doing. Constitution and characteristics of highways and streets in England and Canada compared.

In an action under Lord Campbell's Act by a parent for the death of his child by the negligence of the defendant, it is not necessary to shew that any pecuniary benefit had been actually received, but such a reasonable and well-founded expectation of pecuniary benefit as can be estimated in money and so become the subject of damages is sufficient. Judgment of FALCONBRIDGE, J., reversed.

*W. H. Blake, for the appeal. J. B. Lucas and W. H. Wright, contra. W. J. Hatton, for third party.*