

Damages—Death—Loss of services—Accidental death—Recovery by decedent's family—Excessiveness.

\$5,000 is an excessive recovery by a surviving wife under the Manitoba Act (R.S.M. ch. 31) for accidental death of her husband, and the recovery should be reduced to \$3,000, where he was 65 years old and earned only \$45 monthly, and she was 57 years old, though he was apparently a strong, healthy man.

Rowley v. London, L.R. 8 Ex. 221, and *Lamonde v. G.T.R. Co.*, 16 O.L.R. 365, referred to; *Petitt v. Canadian Northern R. Co.* (No. 1), 7 D.L.R. 645, varied.

O. H. Clark, K.C., for defendants. *W. H. Trueman*, for plaintiff.

Province of Saskatchewan.

SUPREME COURT.

RE JOHN P. FRENCH.

(11 D.L.R. 379.)

Haultain, C.J., Newlands, and Lamont, JJ.] [April 10.]

Land titles (Torrens system) — First registration—Failure to establish legal or equitable title.

Held, 1. Under the Land Titles Act, R.S.S. 1909, ch. 41, an applicant is not entitled to be registered as owner where he fails to establish that he has any estate either legal or equitable in the land in question.

2. In Saskatchewan, a Master of Titles has no jurisdiction, on a reference to him by a registrar, to pass upon and direct the registration of a title which depends for its validity solely on the application of equitable doctrines, since a purely equitable claim not evidenced by any document cannot be made effective until a Court of competent jurisdiction has declared the claimant entitled to an interest in the land.

William Beattie, for appellant. *A. E. Doak*, for respondent.