

think that every one must recognize that in such cases as I have referred to the verdicts would under our Act be simply extravagant and not based upon any justifiable estimate of the parent's probable pecuniary loss. As the child grows older, the probability of prolonged life more assured, and its future conduct in its relations with its parents more plausibly to be conjectured, there may be room for a more liberal estimate of the pecuniary value to them of its life, though in the ordinary course of events there is not in their case, as has been pointed out by Moss, C.J.O., in *Rombough v. Balch*, 27 A. R. 32, 44, the same expectation of pecuniary benefit from the continuation of a child's life as in the case of widow and children suing in respect of the death of the husband and father.

In the case before us I am quite unable to find upon the evidence anything to justify the sum which the jury have assessed as the pecuniary damage to the mother for the death of this poor school girl of 17 years of age. Bright, active, healthy, and intelligent, as she is said to have been—qualities all pointing to the probability of her own early settlement in life—on what plausible ground could the jury have reached the conclusion that she was likely for the rest of their joint lives to have contributed in money or services to the mother to the value of \$210, or even \$100 per annum, for the former is what is meant by a verdict of \$3,000? Such a verdict is not supported by any evidence that I can find in the case, or by anything which can be predicated upon what people in their situation in life usually do. Every Judge who has passed upon the case has said that the verdict is larger than he would himself have given, and where I cannot find the evidence to support it, I must for myself come to the conclusion that 12 sensible jurors could not reasonably have given it. I think it was manifestly a sympathetic verdict, arrived at upon considerations which should have had no place in their minds. In a similar case before us this term, where the present and prospective pecuniary value of a daughter's life was actually larger and more clearly proved than in the present case, the jury awarded the mother \$1,500 and the father \$500. Had the jury awarded the former sum to the mother in this case, I think that their verdict, though larger than it should have been, would have approached more nearly the bounds of reason than it now does. If the parties