

The Court says: "The deceased left surviving him a father. The claimant was his stepmother. It is insisted by appellant that the funeral expenses which are the foundation of the claim are not a charge against the estate. This position is supported by authorities." The Court after referring to these authorities cites Schouler on Dom. Rel. sec. 243, where it is stated that "A father is, in general, liable for the funeral expenses of his deceased minor child; citing *Blair v. Robinson*, 108 Pa. St. 249; *Sullivan v. Horner*, 41 N.J. Eq., 299, 7 Atl. Rep. 441. The foregoing is the general rule. When the parent has not property of his own to support his minor child, resort may be had to the property of the child for such purpose, but such condition must first be made to appear before such a resort can be had. With equal reason, a claim may be enforced against the estate of the minor for funeral expenses when the father is unable to pay them."

We may also observe that in a certain case in Ontario (*Wright v. McCabe*, 35 C.L.J. 233; 30 O.R. 396) the duty of a parent to support his infant child is declared not to be a legal liability, but only a moral one. Sec. 210 of the Criminal Code, however, seems to assume that in some parts of the Dominion it is a legal debt. We might also in connection with the above call attention to a case (*Re Gibbons*, noted post p. 23) wherein it was held, that where on the death of a married woman, whose husband was insolvent, and had left for parts unknown, a friend of the wife's assumed responsibility for the funeral expenses, the payment thereof was held to be a charge on the wife's estate and to be payable thereout.

In these days of accident insurance, a branch of business coming more and more into notice by reason of the various modern devices for shortening life, such as bicycles and other matters of nineteenth century enterprise, it may be of interest to note the following case, referred to by one of our American Exchanges. The deceased was insured against a "bodily injury sustained by external violence and accidental means." It was said that his death was caused by "hard pointed masses of food which perforated the intestines." A Judge of the United States Circuit Court of Vermont held that this was an accidental injury within the meaning of the policy. The food, he said, "was merely placed