obligation, which he would have felt bound to implement, so far as he was able, when the time came, as it probably would upon his father's retirement. In the meantime the young man's earning capacity would with experience have increased, although, on the other hand, so would the imminence of the time at which he would probably have married, and thereby reduced, if not destroyed, his ability further to help his parents. These, however, were matters for the consideration of the jury, who, taking into account all the uncertainties and contingencies of the case, were to say how much, if anything, might reasonably, under all the circumstances of the case, have been expected by the parents from the bounty of their son, if the life had continued. But to put the amount at $1,800, or three years' wages, the extreme sum recoverable, in any circumstances, under the Act, seems to be grossly excessive and unwarranted. Indeed, one would be inclined to think from the result that the jury totally misapprehended what they had to try, which was not the value of the life under the statute, but what, if any, pecuniary interest the parents had in the life, which at the best must have been a comparatively small sum.

In Stephens v. Toronto R. W. Co., 11 O. L. R. 19, a case which in its facts was stronger for the plaintiff, this Court reduced a verdict of $2,100 to $500, which was accepted rather than the alternative of a new trial. And in Atchison v. Grand Trunk R. W. Co., 1 O. L. R. 168, the jury in the case of a brakesman awarded only $500, which was complained of as excessive, but upheld in this Court. For other cases in which the Court has interfered with the verdicts of juries in cases of this nature, see Renwick v. Galt, Preston and Hespeler Street R. W. Co., 11 O. L. R. 158, at p. 168; and the list might be greatly extended, for the question is one constantly arising.

There should, therefore, in my opinion, be a new assessment, unless the parties consent to a judgment for a smaller sum, which should not, I think, exceed the amount at which this Court arrived in the Stephens case. If such reduction is agreed upon, the appeal would, as in that case, be dismissed with costs; but, if not, the new trial would proceed, and the costs of the former trial be costs in the case, and the costs of this appeal to the defendants in any event.

MOSS, C.J.O., gave reasons in writing for the same conclusion.

MACLAREN, J.A., also concurred.