either son or daughter killed in this lamentable accident. Two things are undisputable: (1) that recovery can be had, in such an action as this, for pecuniary loss only, and (2) that such loss must be proved so that reasonable men can, upon their oaths, say that the sum awarded is a fair measure of such loss. There was no such proof in this case. According to the evidence, the plaintiffs and their sons and daughters were living as one household upon a farm, which was owned by two of the sons, one who was killed, and one who yet lives. The death of the two children has not altered that state of affairs, hitherto, in any manner, and there is no evidence whatever, that it is likely to. It is said that the young man died intestate and unmarried; and, that being so, not only has the plaintiffs' position in the household not been prejudicially affected, but it has, in a legal sense, been very much strengthened, giving all of the family a legal interest in the farm when before all but the two sons, nominally at all events, had no interest whatever except in the bounty of such sons. And there is no evidence to indicate any less ability in the family to manage and work the farm than there was before.

On this ground the appeal should, I think, be allowed and the action dismissed; but there should be no order as to any costs. If this point had been raised and relied upon on the former appeal the action should then have been dismissed and subsequent costs saved; therefore, the defendants should pay all subsequent costs, and receive costs down to that appeal; and setting the one set of costs off against the other it is reasonable to make no order as to costs, and so save further costs.

Appeal dismissed with costs, MEREDITH, J.A., *dissenting.*