tual "pecuniary injuries" resulting from the death of the infant might not be $5,000. Possibly the probabilities are against it, but the statute in this region of conjecture has committed the formation of an opinion to a jury upon whose discretion the only limitation is the maximum which is thereby allowed. The discharge of such duty, expressly confided to a jury by statute, necessarily, in a case which presents reasonable grounds of conjecture, involves a wide discretion, and unless the evidence shows a plain error the verdict cannot be disturbed.

Hetty Downie, a girl of the age of about seven years, was run over by the cars of the New York and Harlam River Company, and killed. She lived with her mother. On the trial anon—suit was asked for on the ground, amongst others, "that there was no proof of any pecuniary or special damages sustained by the plaintiff or by the next of kin." The motion was over-ruled, and the plaintiff had a verdict of $1,300. The Court of Appeal said:—It is not required, to sustain the action, that there should be proof of actual pecuniary loss. The damages are to be assessed by the jury with reference to the pecuniary injuries sustained by the next of kin in consequence of such death. This is not the actual present loss which the death produces, and which could be proven, but prospective losses also. They may compensate for "pecuniary injuries," present and prospective. *Oldfield* v. *N. Y. and H.R., Ry.*, 14 N.Y. 310. In *McGovern* v. *N. Y. C. and H.R.R.*, 67 N.Y. 417, the action being for the death of a boy eight years of age and the recovery, $2,500, the Court held that the jury could estimate the whole damages sustained by the father from the death, as well as those proceeding from the loss of services during minority as those after, and would not interfere.

On the other hand, in Arkansas, the Court considered that $4,500 was an excessive sum for a railway company to pay to a mother for the loss of the services of a child five years old, through the negligence of the Company. *Little Rock, etc., Railway* v. *Barker*, 33 Ark. 350. In this case it was decided that no compensation was to be given to the dead infant's parent for the loss of the companionship of the child. In Indiana, in one case, a father made no claim for the loss of his child's future services, and gave no evidence to show his loss; so, although the jury gave him $1,800 therefor upon the death of his child, the Court considered it excessive—*Penn. Railroad* v. *Lilly*, 73 Ind. 252. The amounts awarded in England have been by no means as great as in America. In one case were an action was brought by a father, who was a working mason, for injury resulting from the death of his son, a lad of fourteen, who had been earning four shillings a week, but at the time of his death was out of employment, the jury found a verdict with £20 damages. A motion was made to set it aside as excessive, but the Court held that the father was entitled to retain the amount.—*Duckworth* v. *Johnston*, 4 H. and N. 653. We quite agree with Martin B. when he says, "If damages are to be given, I think that £20 is not too much."

RECENT ENGLISH DECISIONS.

Of the June number of the *Law Reports*, the cases in 7 P. D. 61-102; and 20 Ch. D. 1-229, still remain for review.

WILL—MISTAKE.

In the former, the only case which it appears necessary to notice is *Morrell* v. *Morrell*, p. 68, an article on which was republished from the English *Law Journal*, in our last number. In this case an intending testator instructed his solicitor that he wished to leave all his shares in a particular company to his nephews. The solicitor embodied these instructions in writing, and sent them to a conveyancing counsel to draw the will. In