west, are deemed mere money-making machines. Old Miller's boy, of nineteen, lost his arm through the negligence of a railway company, and the father recovered $2,000 for the value of the son's services until he came of age, and for the expense of medical attendence and nursing in consequence of the injury.—*Houston, &c. R'way* v. *Miller*, 49 Tex. 322.

And now let us consider some of the amounts that have had to be paid where the wrong has caused the death of the child. In such case the rule is that damages of a pecuniary nature must be shown; the damages are not to be given merely for the loss of a legal right, but should be calculated with reference to a reasonable expectation of a pecuniary benefit, as of right or otherwise, from the continuance of the life of the lost one. (*Franklin* v. *S. E. Ry.*, 3 H. and N. 211; *Walton* v. *S. E. Ry.*, 4 C.B., N.S. 296.) In fact, what is laid down by the decisions is, that there must have been a reasonable expectation of pecuniary advantage to the parent from the life of the deceased. (Field, J., *Heatherington* v. *N. E. Ry.*, L.R. 11, Q. B. D. 160.) Still it was held, in a case where a healthy boy of six years old was killed, that absence of proof of any special money damage flowing from the death of the child will not justify a non-suit, nor a direction on the part of the judge to the jury to find nominal damages only. (*Gorham* v. *N. Y. C.*, 23 Hun. (N.Y.) 449.) The "necessary injury" to a parent by the negligent killing of a child, and for which he is to be compensated, comprises the loss of the services of the child during minority, the costs of nursing, medical attendance and the funeral expenses. (*Rain* v. *St. Louis, etc., Ry.*, 71 Mo. 164.) In England doubts have been suggested as to whether damages are obtainable to compensate for the loss of the services of a child so young as to be unable to earn anything. (*Bramhill* v. *Lee*, 29 L. T. 11.) But in the United States the doctrine has been well settled. In *Hill* v. *Forth second Street Railway*, 47 N. Y. 317, where a boy of three years and two months had been killed, and the jury had given a verdict for $1,000, the Court of Appeal sustained it, saying, "It was within the province of the jury, who had before them the parents, their position in life, the occupation of the father, and the age and sex of the child, to form an esitmate of the damages with reference to the pecuniary injury, present and prospective, resulting to the next of kin. Except in very rare instances it would be impracticable to furnish direct evidence of any specific loss occasioned by the death of a child of such tender years, and to hold that without such proof the plaintiff could not recover, would in effect render the statute nugatory in most cases of this description. It cannot be said, as a matter of law, that there is a pecuniary damage in such a case, or that the expense of maintaining and educating the child would necessarily exceed any pecuniary advantage which the parents could have derived from his services had he lived. These calculations are for the jury." As Eliza Hooghkirk, a healthy and bright child of six, was being driven by her father, on a waggon, into Albany, the waggon was struck by a locomotive and substantially destroyed; all the inmates were injured, but the child was killed. The jury was particularly instructed that in estimating the damages they should be strictly confined to the pecuniary injuries resulting from such death to the next of kin of the deceased—that the pain and shock to the feelings of the parents, caused by the death of their daughter, could not in any way be considered, and that in fixing such damages they should be guided by what, in their honest judgment, they should deem a fair and just compensation for the pecuniary injuries resulting from such death, which compensation, however, could not, according to the statute, exceed $5,000. After this charge the jury awarded $5,000, and the Court was asked to set the verdict aside as excessive, but declined to interfere, saying, that as a matter of law it is impossible for any Court to say that the ac-