

4. Impairment of personal or business reputation.—It seems to be fully settled that compensation for the impairment, if any, of a servant's personal or business reputation which may result from his dismissal, cannot be recovered in an action for wrongful dismissal, under a declaration which merely claims damages generally, and contains no specific averments setting forth the particular facts relied upon as a ground for awarding such compensation¹. Whether that compensation can be recovered in

¹ In *Walton v. Tucker* (Exch. Div. 1880) 45 J.P. 23, it was held that, as the amount paid into court was sufficient to cover the actual pecuniary loss sustained by the servant, and no special damage was proved, he was not entitled to have any question left to the jury, and could not recover anything beyond the amount of that loss. Pollock, B., said: "There may have been a slight imputation on the character of the plaintiff, and it was sought to put in evidence that the dismissal was intended to be prejudicial; but no special damage was proved. It may be that the mode of dismissal was wrong because vindictive; but that could have been proved by the use of words at the dismissal; there was, however, no such evidence. As in *Sedgwick* (Dam. p. 57), you could inquire *quo animo* the defendant had acted, but to do so was useless, for there was no allegation of anything of the kind in the statement of claim. What the plaintiff sought to recover was the ordinary damages for the dismissal and for the time he was out of employment, and therefore I am of opinion that the ruling at the trial was correct." Stephen, J., said: "It seems to me that, if we gave way to the argument of the plaintiff, it would introduce an extensive and undesirable change in the law. There are few actions more frequently brought than actions for wrongful dismissal, and it must have happened upon many occasions that the dismissal must have been considered as grievous to a servant, not so much from the monetary loss as from the slur cast upon his character. No case, however, binding upon this court has been produced where such injuries as are now sought to be compensated have been so compensated. I think, therefore, that no such damage can be given, and it seems to me right that it should be so, because if any further damage is due, that further damage must be caused by something which is in itself an actionable wrong. For instance if the plaintiff has been expelled by violence a count for assault might have been added; or if he had been abused, or the cause of dismissal had been stated needlessly so as not to have been within the privilege, an action for slander or malignment would lie. As in this case the plaintiff was neither assaulted nor slandered he ought not to recover more than the actual result of the breach of contract."

That a wrongfully discharged commercial traveller cannot recover damages from his employer for the injury done to the good will of his trade connection by his refusal to send him on journeys was held in *Lagerwall v. Wilkinson* (1899) 80 L.T.N.S. 55.