

she did believe it to be true, and in consequence suffered a violent nervous shock which rendered her ill. The main question at issue was whether the plaintiff could recover damages for the nervous shock, or whether such damage was not too remote. Wright, J., was of opinion that the plaintiff had a good cause of action, and was entitled to recover substantial damages for the nervous shock, notwithstanding the decision of the Privy Council in *Victorian Railways Commissioners v. Coultas*, 13 App. Cas. 222, the authority of which had been doubted, and in which the element of wilful wrong was absent. He also considered the case of *Allsop v. Allsop*, 5 H. & N. 534, which had been approved by the House of Lords, distinguishable, on the ground of its being an action for slander, and which had been determined on the ground of there being no precedent for giving damages for illness consequent upon slanderous statements, and the inexpediency of holding that such damages were recoverable in that particular class of cases.

PRACTICE—DISCOVERY—DOCUMENTS FORMING PART OF DEFENDANTS' CASE ONLY—  
AFFIDAVIT CONCLUSIVE.

*Frankenstein v. Gavin's Cycle Co.* (1897), 2 Q.B. 62, turns on a simple point of practice. The action was brought against the defendants for damages for alleged misrepresentation in a prospectus, whereby he was induced to agree to take shares, and for a rescission of the contract. One of the alleged misrepresentations was the statement that 12,500 persons had enrolled themselves as subscribers to the company. The defendant company through their secretary, in answer to an order for production of documents, stated that they had in their possession 12,500 applications by persons wishing to be enrolled as annual subscribers to the company, which they objected to produce, on the ground that they were part of the evidence to support the defendants' case, and did not support or tend to support the plaintiff's case. The defendant applied for inspection, which was refused by a Judge in Chambers, and on appeal to the Court of Appeal (Lord Esher, M.R., and Smith and Chitty, L.JJ.) his order was upheld, and the defendants' secretary's affidavit was held to be conclusive as to the effect of the documents.