

follows:—The plaintiff was walking upon a public sidewalk, and as she passed under an overhead railway bridge of the defendant company it fell, and she claimed that something hit her on the back of the neck and that the dust from the crash got into her eyes. She also claimed for injury to her nervous system resulting from the shock. The Court said:—"The contention of the defendant is that she received no physical injury whatever, but that the condition she alleges she is suffering from is due to fright alone. If that were true of course she could not recover: *Ward v. West Jersey, etc., R.R. Co.*, 65 N.J. Law 383; 47 Atl. Rep. 561. But if she received physical injuries, all the resultant effects to her system, due to the accident, are recoverable. The proof by the plaintiff was that she was hit on the neck by something, and that dust from the falling debris went into her eyes. Proof of either of these physical injuries would take the case out of the rule as to non-recovery for fright alone. Accepting the finding of the jury that she thus suffered physical injury, she was entitled to damages for the results flowing therefrom. We do not think the weight of the evidence is so clearly against her having received physical injuries she alleged as to justify us in disturbing the verdict on that ground." A writer in the *Central Law Journal* thus comments:—"It is hard to understand why a person should not be allowed to recover for an injury to the nervous system resulting from fright. It frequently happens that fright alone produces physical injuries of the most serious character. After an accident which has caused great fear, many persons are thrown into agonies upon the recurrence of any sudden noises. It is quite probable the Court would conclude that the establishment of such a fact would be to establish a physical injury, and allow the recovery of damages therefor, together with damages for the fright which produced it. Such a nervous shock could not be regarded as anything but a physical injury."

One might also ask why, if in any such an action damages are recoverable for (1) merely nervous shock without physical injury, plus damages for (2) tangible physical injury, why there