

fact depending on all the circumstances of the case, but although a question of fact it is one for the Court to determine.—Clerk and Lindsell on Torts, 2nd ed., p. 116.

5. I think there may be cases in which A. owes a duty to B. not to inflict a mental shock on him or her, and that in such a case, if A. does inflict such a shock upon B.—as by terrifying B.—and physical damage thereby ensues, B. may have an action for the physical damage, though the medium through which it has been inflicted is the mind.—Phillimore, J., in *Dulieu v. White* (1901) 2 K.B., p. 682.

6. I cordially accept the decision of my brother Wright in *Wilkinson v. Downton*, that every one has a legal right to his personal safety, and that it is a tort to destroy this safety by wilfully false statements and thereby to cause a physical injury to the sufferer. In that case it will be observed that the only physical action of the wrong-doer was that of speech.—Phillimore, J., in *Dulieu v. White* (1901) 2 K.B., p. 683.

7. No doubt one who commits a wrongful act is responsible for the ordinary consequences which are likely to result therefrom, but, generally speaking, he is not liable for damage which is not the natural or ordinary consequence of such an act, unless it be shewn that he knows or has reasonable means of knowing, that consequences not usually resulting from the act are, by reason of some existing cause, likely to intervene so as to occasion damage to a third person. Where there is no reason to expect it, and no knowledge in the person doing the wrongful act that such a state of things exists as to render the damage probable, if injury does result to a third person, it is generally considered that the wrongful act is not the proximate cause of the injury, so as to render the wrong doer liable to an action.—Bovill, C.J., in *Sharp v. Powell*, L.R. 7 C.P., p. 258.

8. If one by his own act creates circumstances of danger and subjects the person or property of another to risk without exercising reasonable care to guard against injury or damage, he is responsible for such injury and damage to the person or property as arises as the direct or natural and probable consequence of the wrongful act.—King, J., in *Toronto Ry. Co. v. Grinstead*, 24 S.C.R., p. 570.