

THE
LEGAL NEWS.

VOL. XVIII.

FEBRUARY 1, 1895.

No. 3.

CURRENT TOPICS AND CASES.

The case of *Jeannotte & Couillard*, R. J. Q., 3 B. R. 461, was very fully and carefully argued, and every precedent and authority was brought to the notice of the Court. The judgment also was very fully considered. It may be doubted whether a court in England would have expended so much time upon a question which had been already determined by the highest tribunal. The principal question discussed on the appeal in *Jeannotte & Couillard* was whether Dr. Jeannotte, who had caused the death of a child by a mere slip of the pen in writing a prescription, was responsible for more than the actual pecuniary damage caused to the father, and which the Court below had assessed at fifty dollars. In other words, is there any action at law for mental anguish or suffering in a case where no malice has been established? This question was positively decided in the negative, in 1887, by the Supreme Court of Canada in *Canadian Pacific R. Co. v. Robinson*, 14 Can. S. C. R. 105, the judgment of the Court below being reversed upon this point alone, and the case sent back for re-trial because the trial judge had directed the jury that they might take into consideration the mental anguish of the plaintiff caused by the death of her husband. Although the decision in *Jeannotte & Couillard* was by a