

we find that the Courts, both in England and Ireland, refuse to follow it: see *Dulieu v. White & Sons*, [1901] 2 K. B. 669; *Bell v. Great Northern R. W. Co.*, 26 L. R. Ir. 428; *Yates v. South Kirkby Co.*, [1910] 2 K. B. 538; *Eaves v. Blaginclydach Co.*, [1909] 2 K. B. 73. No one can object to the general principle enunciated at p. 225, that the "damages must be the natural and reasonable result of the defendants' act; such a consequence as in the ordinary course of things would flow from the act." But the stumbling block, or, if I may say so without disrespect, the vice of the decision, appears to be in treating as a question of law that which appears to be essentially one of fact, to be determined, like other questions of fact, upon competent evidence, namely, what are the natural and reasonable consequences such as ordinarily flow from such acts as that of the defendants? This aspect of the question is very reasonably dealt with by Palles, C.B., in *Bell v. Great Northern R. W. Co.*, 26 L. R. Ir. at p. 442. . . .

[Reference to *Fitzpatrick v. Great Western R. W. Co.*, 12 U. C. R. 645; *Lynch v. Knight*, 9 H. L. C. 577, 598.]

The Henderson case was followed in *Geiger v. Grand Trunk R. W. Co.*, 10 O. L. R. 511. . . .

This case, however, is essentially different in its facts from the Coultas case, the Henderson case, and the Geiger case. In all three the question arose with respect to the use by the plaintiffs of a highway. In this case the plaintiff, in addition to his other rights, was a passenger on the defendants' railway, and had, therefore, contractual rights. The defendants were bound by their contract to carry him safely, and they did not carry him safely, but, on the contrary, the car in which he was sitting was negligently allowed to come into collision with an engine on the railway crossing, whereby the plaintiff, an elderly man (aged 68), was violently thrown from his seat over to the back of the next seat in front of him. He managed to get off the car without assistance and walked away a short distance, and then, as he says, "collapsed," and for the time could go no further. Eventually he managed to get to the warehouse where he was employed as a bookkeeper, but was quite unable to work, and was obliged to go to his home and to bed, where he remained off and on for several weeks under a physician's care.

Subsequently the condition of traumatic neuresthenia developed, as the result, it is said, of the shock of the collision, from which, it is alleged, he was still suffering at the time of the trial. . . .

The shock in this case was not primarily mental at all, but physical—the ordinary "railway shock" with which the Courts have had to deal in many cases. . . .