

"Great emotion may, and sometimes does, produce physical effects." And it refused to place its judgment on the ground that physical injury may not be directly traceable thereto. It may be said, however, that in almost all of the cases, fright as accompanied by the physical injury, was in the facts and this has caused Courts to speak of fright resulting in shock and not other emotion so resulting. We need, however, to get back to the idea that it is shock as a physical fact and howsoever caused, that is the thing of importance.

Acts of Wilful Tort Causing Shock.—The cases seem to be in practical unanimity that where shock, or mental disturbance amounting to serious shock, results from a deliberate and wilful tort the wrongdoer is liable in damages. Thus there is the case of *Wilkinson v. Downton, supra*, where the shock was from grief. And shock to the mind of a woman resulting in miscarriage from a drunken man entering a house where the woman was and threatening to shoot her, required a verdict for plaintiff.⁵ And the *Spade* case, *supra*, expressly excepts from its ruling, "those classes of action where an intention to cause mental distress or hurt the feelings is shewn or is reasonably to be inferred." In Missouri it has been ruled that shock from a wilful tort, resulting in neurasthenia was the basis for an action for damages.⁶ The learned Judges in that case said that "suffering thus occasioned is as much due to physical injury as that which results from an open wound on the surface of the body." This Court might hold that unintentional negligence would give no right of action, but it would have to do so on some other theory, than its not producing a wound in the body.

And an Iowa case⁷ distinguishes the cases against recovery for injuries resulting from fright, or as I say from shock, by portraying the wilful, deliberate wrong perpetrated by the defendant, and saying: "His discovery there under such circumstances might well cause alarm to the boldest man, and if it pro-

5. *Barbee v. Reese*, 60 Miss. 906.

6. *Hickey v. Welch*, 91 Mo. App. 4.

7. *Watson v. Dilts*, 116 Iowa 249, 89 N.W. 1068, 57 L.R.A. 559, 93 Am. St. Rep. 239.