

and he sold it in the same state as when he purchased it. The appellant purchased the butter on August 22, 1896, from one Moloney, as the same in nature, substance, and quality as that so sold by the appellant to Hopkins, and with a written warranty to that effect, and the appellant had no reason to believe at the time when he sold it to Hopkins that the article was otherwise, and the appellant sold it in the same state as when he purchased it. The written warranty received from Moloney by the appellant contained the words, 'Guaranteed Pure Irish Butter.'

The magistrate being of opinion that it was not necessary to prove that the appellant at the time when he gave the warranty to Hopkins knew that it was false, convicted him.

C. A. Russell, Q.C. (F. H. Mellor with him), for the appellant, contended that guilty knowledge on the part of the appellant in giving the warranty to Hopkins must be shown.

The COURT held that guilty knowledge must be shown, and quashed the conviction.

Conviction quashed.

QUEEN'S BENCH DIVISION.

LONDON, 8th May, 1897.

WILKINSON ET UX. V. DOWNTON (32 L. J.)

Damages—Mental shock—Deceit—False statements intended to deceive—Illness consequent upon shock so caused—Right of action—Remoteness.

Further consideration of an action, tried before Wright, J., and a jury, upon the question whether the action was maintainable and damages recoverable.

The plaintiffs, a licensed victualler and his wife, sought to recover damages from the defendant for false, fraudulent, and malicious representation under the following circumstances.

On April 9, 1896, Wilkinson went to some steeplechases. On the evening of that day the defendant called at his public-house and told Mrs. Wilkinson that there had been a "smash-up" of the waggonette in which her husband and his friends were returning from the steeplechase meeting; that her husband was lying at a public-house on the road very seriously injured, and with his legs broken; that her husband desired the defendant to request Mrs. Wilkinson to come to him at once and bring certain articles necessary for his comfort.