condition was not only mental but also physical. He gave judgment therefore in favour of the plaintiff which was, on appeal, affirmed by the Court of Appeal.

In the Quebec case of *Montreal Street Ry.* v. *Walker*, 13 Que. K.B. 326, the jury found that a car of the defendants in which the plaintiff was travelling, through the negligence of the defendants, ran off the track, and the jury found that the plaintiff thereby sustained a nervous and physical shock, and judgment was given for the plaintiff for the damages assessed. On appeal the *Coultas* case was relied on by the defendants, but after referring to the criticism of that case in Pollock on Torts, 5th ed., p. 50-52, Blanchet, J., who gave the judgment of the Court, said: "In principle fear is not a cause of action for damages because ordinarily it produces no physical ill, but if such ill result from it, then there would be liability. This is the doctrine of our law whenever it is established that the fear or nervous shock has been the efficient cause of the damage proved by the victim."

The Court, therefore, in that case treated the *Coultas* case as merely affirming the principle that mere fear gives no ground of action, but the facts of the *Coultas* case shew that the decision in effect went a good deal further than that, for there the result of the fear caused physical suffering, and yet the plaintiff failed.

The most recent decision in the English Courts on the subject is that of *Janvier* v. *Sweeny*, 146 L.T. Jour. 382, which was somewhat similar in its facts to *Wilkinson* v. *Downton, supra*. According to the plaintiff's evidence, one of the defendants called on her and stated that he was an inspector from Scotland Yard, and represented the military authorities, and informed her that she was the woman they had been looking for, and that she had been in correspondence with a German spy. The jury found that the statement was made with the authority of the other defendant, and that the statement was calculated to cause physical injury though not maliciously made, and that the plaintiff suffered illness in consequence of the statement. Avory, J., following *Wilkinson* v. *Downton*, gave judgment for the plaintiff, and the Court of Appeal (Bankes and Duke, L.JJ., and Lawrence, J.) affirmed the judgment.