

not necessary to entitle plaintiffs to maintain the action; and that damages for mental injuries occasioned by a severe nervous shock caused by the negligent acts of the defendants were recoverable. Their Lordships of the Privy Council advised Her Majesty to reverse the judgment of the plaintiffs and to order judgment to be entered for the defendants with costs, holding the damages were too remote, without saying that "impact" was necessary. Sir Richard Couch, in delivering the judgment of their Lordships, said: "Damages arising from mere sudden terror unaccompanied by any actual physical injury, but occasioning a nervous or mental shock, cannot under such circumstances, their Lordships think, be considered a consequence which, in the ordinary course of things, would flow from the negligence of the gate-keeper. If it were held that they can, it appears to their Lordships that it would be extending the liability for negligence much beyond what that liability has hitherto been held to be. Not only in such a case as the present, but in every case where an accident caused by negligence has given a person a serious nervous shock, there might be a claim for damages on account of mental injury. The difficulty which now often exists in case of alleged physical injuries of determining whether they were caused by the negligent act would be greatly increased, and a wide field opened for imaginary claims. It is remarkable that no precedent has been cited of an action similar to the present having been maintained or even instituted, and their Lordships decline to establish such a precedent."

In *Pugh v. London, Brighton and South Coast Ry. Co.* (1896) 2 Q.B., p. 243, it was held a nervous shock constituted an injury to the assured by an "accident" within the meaning of the terms of an accident policy. Lord Escher, M.R. held it was not necessary in this case to consider whether the Court ought to act upon or according to the *Coultas case*, as that was an action for negligence.

In *Wilkinson v. Downton* (1897) 2 Q.B., p. 57, the defendant indulging in a practical joke represented to the plaintiff that her husband had been injured by an accident, in which both of his legs had been broken, and urged her to go with all possible despatch to assist in bringing him home. The statement was false. It was meant by the defendant to be believed to be true.