

to say that, although for a shattered leg she might have recovered damages, yet for a shattered nervous system she is entitled to no redress, seems somewhat difficult to reconcile with sound reason. At all events, that seems to be the view to have been entertained by other Courts in regard to the principle of the *Coultas* case, even in its restricted application above referred to.

For instance, in *Wilkinson v. Downton* (1897), 2 Q.B. 57, 76 L.T. 493, the action was brought by husband and wife against the defendant for having falsely reported to the female plaintiff that her husband had been seriously injured, he knowing the statement to be untrue; in consequence of which the wife suffered great distress of mind, and became ill and her hair turned gray; and it was held by Wright, J., that the plaintiffs were entitled to recover, and judgment was given in their favour for £100, the learned Judge refusing to follow the *Coultas* case. That decision the learned Judge remarks was treated by the Court of Appeal in *Pugh v. London and Brighton & S.C. Ry.* (1896), 2 Q.B. 248, 74 L.T. 724, as open to question, and he also considered it to be inconsistent with the decision of the Court of Appeal in Ireland in *Bell v. Great Northern Ry.*, L. Rep. Ir. 26 C.L. 428, where that Court had expressly refused to follow it; Palles, C.B., in the latter case, refers to and follows an unreported Irish case of *Byrne v. Great Southern & Western Ry.*, where it was held by the Irish Court of Appeal that damages were recoverable for nervous disorder unaccompanied by any external injury to the body.

In *Ham v. Canadian Northern Ry. Co.*, 22 Man. R. 480, the plaintiff, while travelling on a street car with which one of the defendants' engines collided, was thrown with the car down an embankment. His physical injuries, so far as could be seen, were slight, but the mental shock he received was very serious, and acute neurasthenia and insomnia followed and continued up to the time of trial, incapacitating him from doing any work, and causing him great suffering. The *Coultas* case was relied on by the defendant, but Prendergast, J., who tried the action, considered that it had no application because the expert evidence was to the effect that, although the visible wounds or injuries were insignificant in themselves, still the shock which caused the neurasthenic