

in the *Watkins* case of simple negligence with knowledge of plaintiff's condition bringing on liability.

Many cases might be cited along this line, but it seems to me, that it must be patent that the Georgia case has little to support it in its distinction between ordinary and gross negligence. It is true the latter might embrace some cases not within the former, but if so, this would be upon the ground stated in the *Spade* case, *supra*: it becomes akin to wilful tort and the consequences of knowledge are visited on the wrongdoer, whether he actually has knowledge or not.

The Rule or Policy Excluding Damages from Shock.—The rule has been consistently adhered to in Pennsylvania that mental disturbance and its consequences should not, in negligence cases, at least, be recognized in actions for damages.²¹ These cases hold that "fear and nervous excitement and distress caused by a collision of cars on a railroad, producing mental and physical pain and suffering and permanent disability, but unaccompanied by any injury to the person, afforded no ground of action."²² The later case of *Houston v. Freemansburg*, *supra*, explained that this doctrine was based on expediency, and its adoption something of a protest against an expansion of the doctrine of negligence so as to embrace intangible, illusory, untrustworthy and speculative causes of action.

It is difficult to see where this protest takes hold, when we consider, that any external injury to the person opens the door to damages for internal injury that also ensues. A pin prick opens the door for heart-break and the abrasion of a finger authorizes damages for the impairment of health. The material thing sued for is the internal pain and this is as illusory, and not more so, in one case as the other.

A New Jersey case²³ is an excellent illustration of what is just said. The plaintiff in this case was passing under an over-

21. *Chittick v. Transit Co.*, 224 Pa. 43, 73 Atl. 4, 22 L.R.A. (U.S.) 1073; *Houston v. Freemansburg*, 212 Pa. 548, 61 Atl. 1022, 3 L.R.A. (U.S.) 49.

22. *Lynn v. Duquesne Borough*, 204 Pa. 551, 54 Atl. 341, 93 Am. St. Rep. 800.

23. *Porter v. R. Co.*, 73 N.J.L. 405, 63 Atl. 890.