

of damages in such cases was adopted. This case having been affirmed by the Supreme Court of Canada seems to reduce the effect of the *Coultas* case to somewhat narrow dimensions as far as Canadian Courts are concerned. Cases where actual bodily injury is sustained accompanied by, or occasioning, nervous disorders are in effect held to be excluded from its operation, because in such cases juries may be asked to assess damages not only for the bodily injury but also for any consequent nervous or mental injury; and according to this view of the decision, the *Coultas* case only applies where there is no physical injury, but only mental or nervous injury occasioned by fright or shock. But even reduced to such narrow limits the decision has failed to command assent in English Courts, which are at liberty to disregard the decision.

Reduced to its simplest terms, the question resolves itself into this: "Can it properly be said that the damages claimed for mental or nervous shock are, or are not, the necessary result of the defendant's negligence in any given case?" The unexpectedness of the result can hardly be said to be a proper criterion for answering that question; rarely can any injury be said to be the expected result of any act of negligence because it is always the unexpected which is happening; and the only ground for determining the question of damages is the actual state of facts which can properly be said to result from the negligence complained of.

It is impossible to say in respect of any act of negligence, that such and such results must be deemed to follow from it, and no others; because that is contrary to all experience. No one is competent to lay down any rule for determining in advance what will necessarily be the result of any act of negligence; its results may be manifold and altogether unanticipated; and the facts of each case are therefore unique, and the law in each case must in reason depend on its own particular facts. It cannot be said that because a severe fright may not affect the physical constitution of a man that therefore it cannot affect the more delicate organism of a woman. Such an act of negligence as was complained of in the *Coultas* case left the man who was in the vehicle unharmed, and as a matter of fact left the woman a nervous wreck; and