

It was held recently by a Divisional Court in the Province of Ontario, in the case of *Geiger v. Grand Trunk Ry. Co.* (41 C.L.J. 841) that where a person suffers no visible bodily injuries, but complains only of a mental or nervous shock that there is no legal damage. The trial judge had held (*ib.* 654) that damages for nervous shock are not too remote where there has been direct physical impact through the negligence of the defendant. The case of *Victorian Railway Commissioners v. Coultas* (1888) 13 App. Cases 222, which was followed in the *Geiger* case was also cited in *Dulieu v. White* (1901) 2 K.B. 669, 37 C.L.J. 808; but Kennedy and Phillimore, J.J., there refused to adopt the conclusion arrived at in the *Victorian* case. Some United States authorities are also noted in 36 C.L.J..

The article referred to in our contemporary has especial reference to delayed telegraph messages and reads as follows:

The great number of instances in which telegraph messages are delayed without one particle of excuse makes the question one of great interest. It is true that the great weight of authority is against allowing damages for the mental suffering caused by such delays, on the ground that such an element is too uncertain for proper measurement. Yet the fact that such delays do cause in many people very great agony of mind is certain at least to those who have been prevented from reaching the sick beds and death beds of those who are dear to them. Here is a great wrong permitted to go unpunished because of some judicial opinion to the effect that the element is too uncertain to permit of measurement, and yet the law gives a jury a right to measure physical pain and suffering as an element of damage. We have a rule of law which is made to prevent wrongs where one party mixes his goods wrongfully with another's in such a way as to be unable to distinguish his from the other. The law will compel the party committing the wrong to undergo the uncertainty of the confusion brought about by his misconduct even to the extent of surrendering the whole even though his may have been the most and by reason of this aiding of the remedy against the wrong-doer the law is made effective to prevent wrongs.

The great telegraph companies of the country have grown