

Wilkinson v Downton [1897]

Evidence

Downton (D) told Mrs Wilkinson (W) a joke. He said that her husband, Thomas Wilkinson (T) had got into an accident and broke his two legs. D insisted that because of this, he had to go to The Elms pub, where T was, to help and take him home. The whole story was a fraud, but D made it sound convincing since he wanted W to believe in it. After that, W had a nervous breakdown and suffered for a couple of weeks. Such an effect was undoubtedly caused by the shock and cannot be explained by the natural disposition of the complaint to nervous disorders since W never had problems with her mental health before. W sued D to get financial compensation for the damage D caused to her by telling a fake story that was not based on real facts.

Problematics

It was needed to clarify whether W could get compensation from D, the defendant, for the nervous breakdown and psychological trauma if they were inflicted by deceiving information.

Resolution

D told W a misleading story on purpose and did the complaint psychological damage on purpose. Moreover, in such a way, the defendant violated the personal safety of the complaint, having no clear reasons for such actions. Despite D did not assume the damage he had caused would be that significant. In law, his behavior is considered malicious and can be qualified as 'wilful injuria.' The harm D did to W was supposed to become visible in the nearest time, so it was predictable. Hence, it can be regarded as the volitional intention of D. Upon taking all the details of this case into account, Wright J claimed the following in paragraph 59:

'There is no need to underestimate the negative results which were inflicted by the above-mentioned fraudulent story. It was presented unexpectedly and with all seriousness, so only an apathetic person could remain indifferent upon hearing it. For this reason, the objective to do such psychological harm must be liable. At the same time, the law can provide no precise answer in this particular case to prove the fact that the complaint suffered more than expected. In fact, this case is based on mischief and injustice.'

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