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THE TORT LAW REVIEW

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Wilkinson v Downton [1897] 2 QB 57 has long puzzled writers on the law of tort. Was it an attempt to expound a wide principle of tortious liability for intentional acts or was it merely an attempt to fashion a remedy in a hard case? In light of recent decisions of the English Court of Appeal on the requirements for liability to arise under *Wilkinson v Downton*, this article considers the historical context in which the case was decided. Analysis reveals that Wright J had little time to create a new cause of action to fit the facts of the case and that he drew his inspiration from a number of distinct sources. It also appears likely that the judgment handed down to the parties was not the judgment that appeared in the Law Reports. The article concludes by considering the extent to which the recent decisions are consistent with *Wilkinson v Downton* once the latter is understood in its historical context. .....

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