

## WESTERN UNION TELEGRAPH COMPANY v. CULPEPPER.

Opinion delivered October 18, 1915.

TELEGRAPH COMPANIES—FAILURE TO DELIVER INTER-STATE MESSAGE—MENTAL ANGUISH.—An action for damages for mental anguish will not lie under the Arkansas Statutes, for negligence in the transmission or delivery of an interstate telegraph message.

Appeal from Union Circuit Court; *Charles W. Smith*, Judge; reversed.

*Geo. H. Fearons* and *Gaughan & Sifford*, for appellant.

1. There is no item of expense for the telegram or messenger fee and an action for mental anguish does not lie under our statutes for negligence in the transmission of an interstate message. 115 Ark. 564.

HART, J. C. N. Culpepper sued the Western Union Telegraph Company to recover damages for mental anguish alleged to have been suffered by him. The plaintiff resided in the suburbs of El Dorado, in Union County, Arkansas, and the message which is the foundation of this action, was addressed to him at El Dorado, in the State of Arkansas, and sent from Campti, in the State of Louisiana.

There is no item of expense for the telegram or for a messenger fee sued for or alleged to have been paid by the plaintiff; and we have held that an action for mental anguish will not lie under our statutes for negligence in

the transmission or delivery of an interstate message.  
See *Western Union Telegraph Co. v. Johnson*, 115 Ark.  
564.

It follows that the judgment of the court below must  
be reversed and the cause of action dismissed.

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