

Apart from the oft-quoted definition of proximate cause,¹³ which excludes as an intervening cause breaking the chain of causation, anything set in motion by the wrongdoer himself, the argument in the New York case is well answered by an English case,¹⁴ which refers to it: "If the fear is proved to have naturally and directly produced physical effects, so that the ill results of the negligence which caused the fear are as measurable in damages as the same results would be if they arose from an actual impact, why should not an action for those damages lie just as well as it lies where there has been an actual impact?" And this just as well might have been asked about grief as about fear, for, after all, it is the mental disturbance directly producing the physical effects which makes, or not, the wrong actionable, in other words it is the shock and not the fear or the grief, which is measurable in damages and, therefore, actionable. It seems, however, somewhat pitiable to see a Court declaring, that shock, which produces a mental disease, gives no ground of action because a sudden impulse of feeling, not itself actionable, is the origin of the shock. As well might it be said, that one is not responsible for a gunshot wound because for detonation that propels the bullet there is no liability. Human feelings are as explosive as powder and sometimes just as destructive, and the wilful wrong or negligence, which sets them in motion, should be deemed to be dealing with an agency with no more power of volition than an inanimate and destructive substance. Shock is the result of sudden emotion, a thing that is wholly involuntary, and against which, in some instances, not even preparation by a victim wholly may provide. For example, if a pregnant woman is warned that she is to be attacked, no sort of preparation beforehand would save her from shock and its consequences, and if she is a passenger on a train, fear of a wreck for hours before, aids in no way to arm her against shock. On the contrary, dwelling upon these things may but increase her susceptibility to an injury in the mind, which will break down her nerves and make a lasting impairment of her

13. *R. Co. v. Kellogg*, 94 U.S. 469, 24 L. Ed. 256.

14. *Dulieu v. White* (1901), 2 K.B. 669.