

The plaintiff so believed it. The effect of the false statement resulted in a violent shock to her nervous system, entailing much suffering and rendering her unfit, for some time, to discharge her domestic duties. On trial the jury found for the plaintiff and assessed the damages for the injury caused by the nervous shock at £100. Wright, J., held the effect was not too remote to be in law regarded as a consequence for which the defendant was answerable, thus disregarding the decision of the Privy Council in the *Coultas* case.

However great may be the respect entertained for the judgments of the Privy Council they are not binding upon the Court of King's Bench. It will be seen by reference to the case of *Dulieu v. White* (1901) 2 K.B., p. 669, the judgment in the *Coultas* case was not followed. In the *Dulieu* case it was held damages which result from a nervous shock occasioned by fright unaccompanied by any actual impact may be recoverable in an action for negligence, if physical injury has been caused to the plaintiff. Kennedy, J., in his judgment at page 675 says: "If impact be not necessary, and if, as must be assumed here, 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?" After deciding that physical injury sustained by a nervous shock through fear was not too remote to sustain an action, the learned judge added: "A judgment of the Privy Council ought, of course, to be treated by this Court as entitled to very great weight indeed; but it is not binding upon us, and, in venturing most respectfully not to follow it in the present case, I am fortified by the fact that its correctness was treated by Lord Esher, M.R., in his judgment in *Pugh v. London, Brighton & South Coast Ry. Co.* as open to question; that it was disapproved by the Exchequer Division in Ireland in *Bell v. Great Northern Ry. Co.*, of Ireland, where, in the course of his judgment, Palles, C.B., gives a reasoned criticism of the Privy Council judgment, which, with all respect, I entirely adopt; and, lastly, by the fact that I find that the judgment has been unfavourably reviewed by legal authors of recognized