

REVIEW OF CURRENT ENGLISH CASES.

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ACTION FOR FALSE WORDS OCCASIONING SHOCK—THREATS—NERVOUS SHOCK—SPECIAL DAMAGE—REMOTENESS—PRINCIPAL AND AGENT—SCOPE OF AGENT'S EMPLOYMENT.

Janvier v. Sweeney (1919) 2 K.B. 316. This was an action brought by the plaintiff to recover damages for a nervous shock caused by false statements made to the plaintiff by the defendants who were two detectives. The plaintiff alleged special damage to the amount of £57.15s. The plaintiff was a French woman who had been for some five years engaged to be married to a German named Neumann. In 1915 Neumann was interned in the Isle of Man; the plaintiff had been twice to see him, and was in the habit of corresponding with him there. She was a companion to a Mrs. Rowton, with whom a Miss Marsh came to reside. This latter lady had in her possession certain letters which she claimed to have been written by a Major X., but which Major X. declared to be forgeries. He employed the defendants to get him inspection of the letters—Sweeney told his co-defendant Barker to go to Mrs. Rowton's house and see the plaintiff and ask her if she had seen any letters from Major X. in any of the rooms Miss Marsh used, and to request to be allowed to compare the handwriting of any such letters with the genuine writing of Major X., and he told Barker that the plaintiff would be remunerated if she produced the letters for inspection. Barker went to the house and though there was a conflict of evidence as to what he said, the jury found that he used words to the effect that he was a detective inspector from Scotland Yard and represented the military authorities and 'you are the woman we want, as you have been corresponding with a German spy', and that Barker was acting within the scope of his authority as agent of Sweeney in making such statements; that the statements caused physical injury to the plaintiff, and awarded her £250 damages; and on these findings the Judge at the trial gave judgment in her favour. On appeal this judgment was affirmed by the Court of Appeal (Bankes and Duke, L.JJ. and Lawrence, J.). The Court was of the opinion that Barker went to the house to try and get the plaintiff to commit a gross breach of duty either by bribery or threats, and that, in the circumstances, in the threats he used he was acting within the scope of his employment and that notwithstanding what was said in *Victorian Railways Commissioners v. Coultas*, 13 App. Cas. 222, the nervous shock caused by the defendant's action was an actionable wrong, and the damages were not too remote.