

Again the learned Chief Justice says: "As was pointed out in the *Hobbs Case*, all this injury arises from causes impossible to have been contemplated or foreseen."

This portion of the learned Chief Justice's judgment is based upon a mistaken understanding of one of the forms of the rule in *Hadley v. Baxendale*, viz., that such damages only can be recovered as the parties have present in mind at the time of the contract, which is founded on Lord Bacon's maxim and is not strictly applicable to the case in question.

In *Rigby v. Hewitt*, 5 Exch. 243, Lord Chief Baron Pollock says that every person who does a wrong is at least responsible for all the mischievous consequences that may reasonably be expected to result under ordinary circumstances from such misconduct.

In Addison on Torts, p. 5, last edition, it is said whoever does a wrongful act is answerable for all the consequences that may ensue in the ordinary course of events, though such consequences be immediately and directly brought about by intervening causes, if such intervening cause were set in motion by the original wrongdoers.

This is the principle laid down in the squib case of *Scott v. Shepherd*, 2 W. Bl. 892 and 898, and in Lord Raymond 38, in case of *Gibbons v. Pepper*, this proposition is laid down to be law: If I ride a horse and J. S. whips the horse so that he runs away and runs over any other person, he who whipped the horse is guilty, not I.

It will thus be seen that while the second proposition in *Hadley v. Baxendale* is sound law as applied to the facts in that case, and is applicable to all actions for breach of contract and perhaps mere nominal torts, it is wrong to apply it to a tort accompanied by violence and oppression, or where there is an invasion of a right—as in the *Grinstead Case*.

As said by a very able judge in the Court of Appeal in New York, in *Ehrgott v. New York*, 96 N. Y. 264, an action claiming damages for illness incurred by the plaintiff by exposure, owing to the negligence of the defendants, after commenting upon the above rule; "The true rule may be broadly stated to be that a wrongdoer is liable for all damages