

citizen, who has become such a familiar figure in our jurisprudence as the person whose conduct is the standard by which the existence or absence of negligence is determined. A bolder and more logical method of rescuing this branch of the law from the fluid and unsettled condition into which it has been brought by the too exclusive use of the loose axioms from which it has been developed would be to recur to first principles. If conducted on a strictly scientific basis, the inquiry in every action of tort in which a question of causation is involved must proceed with due reference to the consideration that an injury will, if subjected to analysis, exhibit itself as a composite whole, made up of several distinct factors or elements, representing the tangible effects of the operation, direct or indirect, of an intelligent will, exerting itself through the medium of that congeries of atoms which constitutes the human body, upon the feelings, reason, or instincts of living organisms, or upon the material substances which make up those organisms, or upon the properties and forces of inorganic matter. Should the evidence show that some act of the defendant disturbed the normal relations of some of the subjects upon which an intelligent will can thus operate, that this disturbance was calculated to damage person or property, supposing certain conditions of time and space to be satisfied, that it still retained its mischievous potentialities when the event occurred upon which the plaintiff's demand is based, and that the fact of its existence at that particular time and place was an efficient physical cause of the damage actually suffered by the plaintiff, it seems to be a very simple logical conclusion that the defendant should answer for the share which he has had in bringing about the final catastrophe. Under an ideal system of administering justice, he would of course be held answerable only for that share, and this principle has actually received recognition in a recent case in which the English Court of Appeal laid down the doctrine that, where an injury is caused partly by an act of God, and partly by the negligence of a responsible agent, that agent is entitled to have the damages apportioned (a).

(a) *Nitro-Phosphate, etc., Co. v. London, etc., Docks Co.*, 9 Ch. D. 503.