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PROXIMATE AND REMOTE CAUSE.

CAUSA PROXIMA ET NON REMOTA SPECTATUR.

It is a leading principle of the common law, that whoever does an illegal or wrongful act is answerable for all the consequences that ensue in the ordinary and natural course of events. The wrong and the legal damage must be in sequence, like cause and effect; otherwise the damage is too remote to support a cause of action. The proximate cause has been defined by some as the causa causans; while the remote cause has been said to be the consequence of a consequence. If in consequence of an intervening agency, the damages does not, according to the ordinary course of events, follow from the wrong, then the wrong and the damage are not sufficiently conjoined, as cause and effect to support an action. See judgment of Lord Chief Justice Campbell in *Gerhard* v. *Bates*, 2 Ell. & Bl., p. 490. But if the intervening agency is set in motion by the primary act of the defendant he is liable for the injury which results as a natural consequence of the original wrongful act. This rule finds apt illustration in the well-known *Squib case*. In this case all the intervening acts of throwing were considered by the Court as one single act. All the injury followed from the first act of the defendant, the intervening parties merely acting in self-defence. See *Scott* v. *Shepherd*, 2 W. Bl., p. 894. At first blush the rule seems plain enough; yet great difficulty arises in its application to the varying circumstances of each particular case. This is evidenced by the conflicting judgments found in the different law reports. So difficult is it to lay down a general rule of uniform application that it has been well said: Many cases illustrate, but none define what is a proximate or what is a remote cause. So indistinct is the dividing line between them as to leave a margin of doubtful and disputed territory.

The rule, however, is somewhat different in contracts from what it is in torts. In the case of contracts the general rule is,