cal distinctions as those who make up an ordinary panel, will be found competent to grapple successfully with such an investigation. Owing, it may be, to a consciousness of the fact that the significant words of the maxim are themselves sorely in need of elucidation, the courts and text writers have cast about them for some recognized principle of law which would be more easily understood by untrained intellects, and have discovered one in the rule that a tort-feasor, being presumed to intend the natural and probable consequences of his acts, is therefore responsible for those consequences alone. The requirement of a concatenation between cause and effect, it is said, is not fulfilled if the wrong and the resulting damages are not known by common experience to be naturally and usually in sequence " (*a*).

The rule, as thus explained, embodies a prospective conception, and serves as a sort of complement to the maxim, which, as already pointed out, expresses the retrospective view of responsibility.

The use of this familiar phrase, in this connection, if it tends to clear up some of the obscurities of the subject, also creates some difficulties. Few of those who glibly repeat it stop to consider what it really means, or take the trouble to subject it to a critical analysis for the purpose of determining whether its apparent exactitude is more than a specious pretence. That it does not support the ordeal of a minute examination from an abstractedly scientific standpoint, and that, in its ordinary form, it can by no means be fitted to the actual decisions in numerous cases, must, we think, be admitted. The principle it expresses has doubtless been qualified by the insertion of the word "probable" with a view to lightening in some degree the responsibility of wrongdoers, whom it would otherwise render answerable for any and all consequences of their acts which are physically possible (*b*). But the courts have so often refused to impose liability where the injury was certainly a "probable" consequence of the

(*a*) Addison on Torts, p. 6.

(*b*) See the remarks of Pollock, C.B., in *Greenland* v. *Chapin*, 5 Exch. 243.