

its literal sense, it must be regarded as contemplating merely a single chain of successive antecedents, and as connecting the occurrence for which redress is sought with the antecedent immediately preceding the occurrence. To insurance cases this limited signification is entirely appropriate, and to these alone. In actions of tort, it need scarcely be said, there would frequently be a miscarriage of justice if the law did not, on the one hand, fasten upon remote antecedents as being the true efficient cause of the injury, and on the other hand, impose the penalty of damages upon a defendant whose misfeasance or nonfeasance is only one of several causes which have co-operated in producing the injury.

If the maxim can be made to cover these cases at all, it is only by means of an extremely liberal paraphrase, and, as a matter of fact the reports show that "proxima" is habitually construed as if it meant "efficient," and the whole phrase as if it implied that an injured person is entitled to maintain a suit for damages against the author of any act which appears to have been one of the efficient causes of the injury (a).

In this transmuted form the aphorism expresses a principle which, so far as it goes, is unexceptionable, and if that principle had been consistently applied by all common law tribunals, a good many decisions which shock common sense would never have been rendered. Unfortunately, some judges of the very highest reputation, unable, as it seems, to free themselves entirely from the influences of the idea conveyed by the actual words of the maxim, have absolved defendants from liability under circumstances which, upon any reasonable theory of responsibility, should undoubtedly have been regarded as raising an obligation to make good the damage suffered by the plaintiffs. Far the worst offender in this respect is the Supreme Court of Pennsylvania, which

(a) The proximate cause is the efficient cause—the one which necessarily sets the rest in motion: *Insurance Co. v. Boon*, 95 U. S. 317.

"By 'proximate cause' is meant an act which directly produced or concurred directly in producing the injury": *Baltimore, etc. R. Co. v. Tramer*, 33 Md., 542.

"When several proximate causes contribute to an accident, and each is an efficient cause, without the operation of which the accident would not have happened, it may be attributed to any or all of the causes; but it cannot be attributed to a cause, unless, without its operation, the accident would not have happened": *Ring v. City of Cohoes*, 77 N.Y. 83.