

vance of Sunday seems to us to be a mistake. Seventh-Day Baptists and Jews repudiate this supposed authority of canon or common law. The statutory authority appointing Sunday and Good Friday as holidays ought to be enough to secure their recognition by the Courts, and the judges would be better employed in finding reasons for complying with statutes than for violating them.

*MR. RUSSELL SAGE AND HIS HUMAN SHIELD.*

After an extraordinarily protracted litigation, extending over seven years, and involving four trials and three reviews by the intermediate tribunals of New York, the Court of Appeals has at last decided (*Laidlaw v. Sage*, 52 N.E. Rep. 679), that the clerk who had been seeking to recover damages from Mr. Russell Sage on the ground that the latter used him as a shield against the bomb exploded by Norcross in the millionaire's office, cannot maintain his action. This ruling was placed on three grounds; (1) That, upon the weight of evidence, the defendant was entitled to the benefit of the principle that acts done under the perturbing influences of fear caused by a pressing and imminent danger are not wrongful, (*Scott v. Shepherd*, 2 W. Bl. 894; *Vandenburg v. Truax*, 4 Denio, 464); (2) That, even if the act of the defendant was wrongful, there was no sufficient legal proof that the plaintiff would not have suffered equal injury if he had not been moved by the defendant; (3) That the act of the defendant, even if wrongful, was not the proximate cause of the explosion, the physical event which produced the injuries complained of, since that act merely created the situation which existed at the moment when the injuries were inflicted, and the explosion would have happened, if the defendant had moved the plaintiff in the opposite direction or had not moved him at all.

Of these grounds the second, that the plaintiff had not shown that his damage was substantially greater by reason of the act of the defendant than it would have been if his movements had been left entirely free, strikes us as being the only satisfactory one. It was clearly a matter of mere conjecture whether an explosion which killed everybody within a certain radius except Mr. Sage and his clerk, would have inflicted a less serious injury upon the latter if the former had not laid hands upon him. The first ground is less