

SAGE REFLECTIONS.—The case of *Laidlaw v. Sage*, which was recently decided by the Supreme Court of New York, involves a very extraordinary state of facts. In that case the plaintiff was a clerk who had called to transact business with Mr. Russell Sage. He was standing in Mr. Sage's office, waiting until the latter should finish talking with another caller who was then engaging his attention. This man, whose name was Norcross, had just handed Mr. Sage a letter in which he threatened to drop a satchel full of dynamite, which he carried, on the floor, and so blow up the building, unless Mr. Sage would immediately give him \$1,200,000. Mr. Sage, after reading the letter, answered Norcross evasively, and at the same time, according to the plaintiff's story, approached the plaintiff, and, gently laying hold of him in such a manner as not to excite his suspicion, drew him into a position between himself and the dangerous visitor. Thereupon Norcross dropped his satchel. An explosion followed, by which the plaintiff was very seriously injured. This suit was brought to recover for these injuries, which the plaintiff claimed had been sustained in consequence of Mr. Sage's wrongful act.

A motion to dismiss was granted by the Circuit Court, on the ground that there was no evidence to support the action. The Supreme Court reversed this judgment, and ordered a new trial. The language of the opinion of the Supreme Court is not very precise, but the result reached seems clearly right. It would have been at least possible for a jury, acting within the bounds of reason, to find that the defendant, fearing that Norcross would execute his threat, deliberately pulled the plaintiff in front of him in order to protect his body. If this was the truth, the defendant's act was wrongful; and certainly it could not be said, as matter of law, not to be a proximate cause of the plaintiff's injury. And this is apparently what the court means in saying that "there is no question of proximate cause." On the ground, therefore, that the evidence raised a question for the jury, the Supreme Court did only common justice to the plaintiff in reversing the decision of the court below.

The court, however, is not content to let the matter rest here. There follows a discussion of the "burden of proof" in such cases as the present which seems not wholly satisfactory. Under the circumstances of the case, the court says, "The burden is thrown upon the defendant of establishing that his wrongful act