

is no difference in effect between the 4th and 17th sections of the Statute of Frauds and if that be the correct view then this decision would be good law in Ontario.

MAINTENANCE OF ACTION BY CROWN.

Mackey v. Monks (1918) A.C. 59. In this appeal a preliminary objection was taken that the Crown was supplying the appellant with means to prosecute his appeal and that this was an illegal act, and that the appeal ought not to be heard. The question at issue in this case was the validity of certain regulations made by the Home Secretary under a statute, in reference to the loading and unloading of ships, and the Crown assisted the appellant with means to prosecute his appeal in order to get the question of the validity of the regulations settled. Lords Atkinson and Parker, who dealt with this objection, doubt whether it could be regarded as maintenance, but, even if it were, they hold it could not debar the appellant of his right to have his appeal heard.

INSURANCE (MARINE)—GOODS—CONSTRUCTIVE TOTAL LOSS— RESTRAINT OF PRINCES—PERIL OF CAPTURE—PUTTING INTO NEUTRAL PORT TO AVOID CAPTURE—BRITISH GOODS ON GERMAN SHIP—LOSS OF ADVENTURE—PROXIMATE CAUSE OF LOSS.

Becker v. London Assurance Co. (1918) A.C. 101. This was an appeal from the Court of Appeal (1916) 2 K.B. 156 (noted *ante* vol. 52, p. 353). The plaintiffs sued on a policy of marine insurance for a total loss of the goods insured. The policy insured against the usual perils, including men of war, enemies and restraint of princes. The goods in question were British goods shipped on a German vessel and were in transit when war broke out between England and Germany and the master on being informed of the fact put into a neutral port to avoid the risk of capture by hostile cruisers, and the voyage was abandoned. The plaintiff gave notice of abandonment and claimed as for a total loss. There was no evidence that the vessel had been chased by any hostile cruiser, but in the opinion of the Lords of the Admiralty she would have been in peril of capture if she had proceeded on her voyage. The House of Lords (Lords Loreburn, Dunedin, Atkinson, Sumner and Wrenbury), agreed with the Court of Appeal that the frustration of the adventure was caused, not by a peril insured against, but by the voluntary act of the captain in putting