

The  
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No. 33

COURT OF APPEAL.

APRIL 21ST, 1913.

\*WADSWORTH v. CANADIAN RAILWAY ACCIDENT INSURANCE CO.

*Accident Insurance—Death Claim—Cause of Death—Construction of Policies—“Caused by the Burning of a Building”—“Injuries Happening from Fits”—Efficient Cause—Quantum of Indemnity.*

Appeal by the defendants from the order of a Divisional Court, 26 O.L.R. 55, 3 O.W.N. 828, varying the judgment of MIDDLETON, J., at the trial, and directing judgment to be entered for the plaintiff for \$10,750 and interest.

The appeal was heard by GARROW, MACLAREN, MEREDITH, MAGEE, and HODGINS, JJ.A.

I. F. Hellmuth, K.C., and J. G. Gibson, for the appellants.  
R. V. Sinclair, K.C., and H. Aylen, K.C., for the plaintiff.

THE COURT allowed the appeal with costs and restored the judgment of MIDDLETON, J.—MACLAREN and HODGINS, JJ.A., dissenting.

The reasons for allowing the appeal were not given when judgment was pronounced; but will be given later.

\*To be reported in the Ontario Law Reports.