

As to the first and third grounds, the Board had no hesitation in coming to the same conclusion as the Courts below.

The more difficult and delicate part of the case was in relation to the second ground. It was strenuously urged by the appellants that the disability could not be said to be caused by the accident independently of another cause; the other cause being the tuberculous condition, without which there would not have been continuous disability, as the sprain would have passed away in ordinary course.

The point was narrow and not without difficulty. But their Lordships agreed with the result reached in the exceedingly careful and able judgment of MIDDLETON, J., confirmed unanimously by the learned Judges of the Court of Appeal. His view is most tersely expressed in a single sentence: "This diseased condition is not an independent and outside cause, but is a consequence and effect of the accident."

Their Lordships agreed with the counsel for the appellants that the matter was not concluded by the cases on the Workmen's Compensation Act. What is sought in such cases is a chain of causation starting from the accident, without "any intervening circumstance to break the chain of causation:" *Coyle or Brown v. John Watson Limited*, [1915] A.C. 1.

What was to be determined here was the construction of the clause in the policy, "bodily injury sustained through accidental means and resulting directly, independently, and exclusively of all other causes," in total disability. Prior to the accident there was only a potestative tuberculous tendency; after it, and owing to it, there was a tuberculous condition. The accident had a double effect; it sprained the tendons and it induced the tuberculous condition. These two things acted together, and were the reason of the continuing disability; but, while they were both ingredients of the disabled condition, there was, on the true construction of the policy, only one cause, viz., the accident.

The appeal should be dismissed.

[The judgment is reported in the English Law Reports, [1917] A.C. 592.]