

posted a letter at Lloyds containing the following passage: 'May we ask those who hold policies to insure their risk elsewhere, and to cancel their existing policies, so that without much delay we may meet as far as possible all outstanding demands.' On December 21 the owner effected fresh policies for 3,000*l.*, calculating that this would cover the amount he should fail to obtain from the Shipowners' Syndicate. On December 30 the *Saltburn* became a total loss. The plaintiffs claimed 500*l.* against the defendants upon their policy of reinsurance, and were met by the defence that the warranty that the ship should remain uninsured for 2,400*l.* had been broken, since the owner had effected the fresh policy for 3,000*l.* It was proved that all the owner would receive under the policies effected by him would be 9,200*l.*

MATHEW, J., held that there had been no breach of the warranty. The owner was his own insurer for 2,400*l.* He had calculated that 3,000*l.* of his original insurance would become ineffective through the failure of the Shipowners' Syndicate, and in obtaining fresh policies for that amount had acted prudently, and had not effected an excessive insurance.

Judgment for the plaintiffs.

COURT OF COMMON PLEAS.

PHILADELPHIA, 29 January, 1897.

Before WILLSON, J.

1 MATTIS v. PHILADELPHIA TRACTION CO.

Negligence—Street railways—Measure of damages—Refusal of defendant to submit to a novel surgical operation.

Where a woman, previously of good health, who was both able and obliged to earn her living, is found by the verdict of the jury to have been turned, by the negligence of the defendant railroad company, from a condition of apparent vigor and health to a condition of almost complete wreck and dilapidation, the court, although not disposed to look with favor upon wild or extravagant verdicts, will not disturb a verdict of a size which in most other cases of a similar character would be altogether beyond propriety.

In cases of physical injury, it is the duty of the injured plaintiff to seek for and submit to such a surgical operation as would bring relief, when the operation is such that a person of ordinary prudence and regard for himself ought to submit to it.

While the victim of an accident might have experienced substantial relief and approximate cure by submitting to a surgical operation, which,