

HIGH COURT OF JUSTICE.

Falconbridge, C.J.]

[August 27, 1900.

McNEVIN v. CANADIAN RAILWAY ACCIDENT INS. CO.

*Accident insurance—Hazardous occupation—Voluntary exposure—
Unnecessary danger.*

The insured, who was a baggageman at a railway station, received the injuries which caused his death while in the act of coupling cars, which was not part of his duty as baggageman. The evidence shewed that he had coupled cars on other occasions and that on this occasion he understood the brakeman to request him to make the coupling. In his application for an accident insurance policy he was described as a baggageman, and in the policy there was the following clause, which was also in substance contained in the application: "1. If the insured is injured in any occupation or exposure classed by this company as more hazardous than that stated in said application, his insurance shall be only for such sums as the premium paid by him will purchase at the rates fixed for such increased hazard." By clause 4 it was provided that the contract should not cover death resulting from "voluntary exposure to unnecessary danger."

Held, that the words "occupation or exposure" did not apply to the insured's casual act of coupling, nor was there "voluntary exposure to unnecessary danger."

McGarry and Devine, for plaintiff. *W. R. White, Q.C., and Fripp*, for defendants.

Rose, J.]

RE CLARKE.

[Oct. 31, 1900.

Solicitor—Non-payment of fees—Suspension—Law Society—R.S.O. c. 174.

A solicitor cannot practice as such, even in an isolated instance or even where he is joined as plaintiff himself with another who holds his claim in the interest of and for the solicitor, without making himself liable to the provisions as to suspension of R.S.O. c. 174.

Walter Read, for Law Society. *S. R. Clarke*, the solicitor in person.

Divisional Court.]

REGINA v. CITY OF LONDON.

[Oct. 8, 1900.

Criminal law—Prosecution of municipal corporation for nuisance—Non-repair of street—By indictment—Preliminary inquiry—Prohibition.

1. A prosecution of a municipal corporation for a nuisance in not keeping a public street in repair can only be by indictment (under par. 641 (2) of the Criminal Code).