

party, but merely that the sale does not *ipso facto* put an end to the charter party, as the defendant contended in this case, because, as Bankes, L.J., points out, it is quite possible that the terms of sale may provide that the vendor is still to perform the charter party notwithstanding the sale.

INSURANCE (MARINE)—PERIL OF MEN-OF-WAR, RESTRAINTS OF PRINCES—SHIP PUTTING INTO NEUTRAL PORT TO AVOID CAPTURE—LOSS OF VENTURE—PROXIMATE CAUSE OF LOSS.

Becker v. London Assurance Co. (1915) 3 K.B. 410. This was an action on a policy of marine insurance on goods shipped on board a German ship for carriage from Calcutta to Hamburg. The policy insured against the usual perils, including men-of-war, enemies and restraint of princes. After the vessel started on its voyage war was declared between Germany and Great Britain, and, to avoid capture, the vessel put into a neutral port, where it had ever since remained and was intended to remain until the termination of the war. The plaintiffs endeavoured to get possession of the goods, but the captain of the vessel refused to deliver them up. In November the German Government issued a prohibition against the delivery to their owners of any goods belonging to British subjects on board German ships. In consequence of that prohibition, the plaintiffs gave the defendants notice of the abandonment of the goods, and brought the action as for a total loss. The action was tried before Bailhache, J., who held that the goods were not lost by any peril insured against. In his opinion, the ship went into the neutral port to avoid the commencement of the peril insured against, and although the goods were just as effectually lost to the plaintiffs as if they had in fact been captured, yet he held that a loss which arises from steps taken to avoid a peril cannot be said to be due to the peril so avoided.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL—CONVICTION—SENTENCE OF DEATH—PETITION FOR LEAVE TO APPEAL—STAY OF EXECUTION OF SENTENCE.

Balmukand v. The King-Emperor (1915) A.C. 629. This was a petition for leave to appeal from a conviction for criminal conspiracy to murder to the Judicial Committee of the Privy Council, the applicant having been sentenced to death. The counsel for the applicants not being able to proceed with the application, owing to the non-arrival of the record, asked the Judicial Committee to make a recommendation to the Govern-