

J., on an award in the form of a special case stated by arbitrators in respect of a claim upon an accident insurance policy. By the policy in question the insurers bound themselves to pay the amount of the policy, in case within three calendar months from the occurrence of an accident to the insured causing him bodily injury, such accident should directly cause the death of the insured. "Provided always and it is hereby as the essence of the contract agreed as follows: That this policy only insures against death where accident within the meaning of the policy is the direct and proximate cause thereof, but not where the direct or proximate cause thereof is disease or other intervening cause, even although the disease or other intervening cause may itself have been aggravated by such accident, or have been due to weakness or exhaustion consequent thereon, or the death accelerated thereby." The facts were that the assured received a heavy fall while hunting and the ground being very wet he was wetted to the skin. The effect of the shock and the wetting was to lower his vitality and being obliged to ride home after the accident while wet his vitality was still further lowered, the effect of which was that pneumonia in his lungs developed from which he died within three calendar months of the accident. The pneumonia was not septic or traumatic but arose from the lowering of the vitality of the deceased which allowed the germs called pneumo-cocci, which in small numbers are generally present in the respiratory passages, to multiply greatly and attack the lungs. In these circumstances Channel, J., found that the death was caused by the accident within the meaning of the policy, and that the case did not come within the above proviso and consequently that the company was liable to pay the amount of the policy; and the Court of Appeal (Williams, Farwell and Kennedy, L.JJ.), affirmed his decision.

CRIMINAL LAW—CRUELTY TO ANIMALS—MORE THAN ONE OFFENCE CHARGED.

*Johnson v. Needham* (1909) 1 K.B. 626. The Cruelty to Animals Act, 1849, s. 2, enacts that "If any person shall . . . cruelly . . . ill-treat, abuse or torture . . . any animal" he shall be liable to a penalty. The defendant was charged before justices that he "did cruelly ill-treat, abuse and torture a certain animal to wit a grey gilding." On the hearing of the summons the justices being of the opinion that several offences were charged called on the prosecutor to elect on which he would proceed which he declining to do, they dismissed the summons.