

## The Legal News.

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*Crandal v. Accident Insurance Company of N.A.*, published in the present issue, will form a leading case in the law of accident insurance. The Court (not without reason) seems to have been doubtful of the soundness of its own decision, and avowedly decided against first impressions, and under the pressure of an English authority. The first part of the argument seems quite clear—that death from injuries inflicted when the person is insane is death by accidental and violent means. It is like a person falling from a window in his sleep, or unguardedly stepping off the platform of a moving car. It is not a voluntary act: it is not suicide. It does not come, therefore, under the clause exempting the Company from responsibility if the death be caused by suicide or self-inflicted (*i.e.*, voluntarily self-inflicted) injuries. But in the *Crandal* case the policy also provided that the Company should not be liable if death were caused wholly or in part by disease. Now, if the death in this case was not a death by suicide, it was because of the insanity of the person insured. But it is admitted that insanity is a disease, and the Company is not liable if death be caused wholly or in part by disease. It seems to us, therefore, that there was no action on the policy. The risk was one for a life insurance company, and not for an accident insurance company. The learned judge would, apparently, have taken this view, but for the authority of *Winspear v. Accident Ins. Co.*, where a person, in an epileptic fit, fell into a pool of water and was drowned. The action was maintained by the Queen's Bench Division. That case is of high authority, but we confess we are not quite convinced by the reasoning. It does not appear to have been carried to the Court of Appeal or to the House of Lords. Moreover, the cases are not quite parallel, and the authority of the *Winspear* case should not be extended further than absolutely necessary. The *Crandal*

case is against a Montreal company, and we are informed that it is about to be taken to the Supreme Court of the United States. The Supreme Court will be in no way bound by the English decisions, and very possibly may come to a different conclusion.

The Minister of Justice stated in the House of Commons, a few evenings ago, that there are about two hundred decisions of the Supreme Court which have never been reported at all, and this was the ground assigned for appointing an assistant reporter, at \$1100 per annum. When it is taken into consideration that many of these decisions, thus unreported, have overturned the long-established jurisprudence of this Province, and reversed decisions rendered by men of far superior calibre to the persons nominated to the Supreme Court, such a statement leads to very serious reflections. But the reporter of the Supreme Court being thus overtaken, may it not be respectfully asked whether it was right, whether it was wise, that he should be permitted, nay encouraged by a special subsidy out of the public purse, to assume additional work for a publication at Toronto? This is a mystery yet unexplained and inexplicable. It appears to have been done without the consent of Parliament, without the sanction of the Government, and without the knowledge of the Bar.

Mr. Courtney Kenny has introduced a bill, in the English House of Commons, with the object of freeing laymen from liability to prosecutions for the expression of opinion on religious matters. Its provisions are rather curious. The preamble declares the expediency of repealing certain laws, which were intended for the promotion of religion but are no longer suitable for the purpose. What the bill then proceeds to enact is that no criminal proceedings shall be instituted for schism, heresy, apostacy, blasphemous libel, blasphemy at common law, or atheism. This provision, however, is not intended to affect proceedings in the Ecclesiastical courts against clergymen of the Established Churches. Of the enactments expressly repealed the first is a statute of King Edward VI. "against such as shall unreverently speak