

RECENT LEGAL DECISIONS.

ACCIDENT INSURANCE.—In an action on an accident policy of insurance, containing a condition that the contract did not cover injuries received from a voluntary exposure to unnecessary danger, the jury made the following findings in answer to special questions:—(1) that the holder of the policy was injured by running into a waggon while riding a bicycle against a heavy wind, and which he might have avoided if he had but looked ahead, (2) that he was not conscious of danger and did not knowingly and intentionally assume a risk, nor intentionally take chances of colliding with the waggon, and (3) that he did not voluntarily expose himself to danger. Upon an appeal from a verdict against the accident insurance company, the Appellate Court of Indiana has held that such findings taken together do not show an unreconcilable conflict with the general verdict in favour of the assured.

The Court further held, that when a person insured under a policy, declaring that it shall not cover injuries received from a voluntary exposure to unnecessary danger, is clearly guilty of negligence at the time of his injury, yet, when the jury finds that he had no knowledge of the danger, such injury is not caused by a voluntary exposure within such provision. *Springsteen vs. Commercial Travellers' Mutual Accident Association*, 55 N. E. Reporter 973.

FIRE INSURANCE, ORAL CONTRACT PENDING COMPLETION.—The Supreme Judicial Court of Massachusetts

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setts has held, in an action against the Hartford Fire Insurance Company, that a statute prohibiting the issuing of fire policies other than those of Standard Form, and requiring conditions of insurance to be stated in full, does not preclude a company from orally agreeing to insure goods pending their removal, and until the policy is subsequently modified. Also, that an allegation of the waiver of a condition prohibiting a removal of the goods insured, is sufficient, without alleging that the waiver was in writing, though the policy required such assent to be in writing. *Goodhue vs. Hartford Fire Insurance Company*, 55 N. E. Reporter 1,039.

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