

owners were to provide and pay for the ordinary insurance. The charterers did not insure against war risk and the vessel was sunk by a German cruiser. It was held by the Court of Appeal that, while the cost of insurance against war risk must be borne by the charterers, it was the owners' duty to take out the policy if reasonably requisite, and that, therefore, the charterers were not liable for the loss.

"Restraint of princes" will not justify the non-fulfilment of a contract unless it be shewn that it prevents the contract being carried out at all. The mere fact that it hampers the performance of the contract is not sufficient. In *Associated Portland Cement Co. v. Cory* (1915) 31 T.L.R. 442, the defendants had agreed to carry cement by sea from the Thames to the Forth during the period 1910 to 1916 at certain rates subject to an exception in the case of (inter alia) "restraint of princes." The rates were low because coal could be taken on the return journey. After war broke out, coal could no longer be carried; a number of the defendants' ships were requisitioned by the Government, and certain restrictions were placed upon ships entering the Forth. In an action for damages for breach of contract for refusing to provide a ship the defendants pleaded the above facts in support of a contention that the contract was suspended, and they also alleged that, owing to the presence of submarines, the voyages had become dangerous. Rowlatt, J., held that as the Government had not prevented the voyage being made *at all*, the exception as to restraint of princes did not apply.

Owing to the up-to-date method of dealing with prizes of war—the method of sinking them with all hands—nice questions as to proof of loss under a marine policy of insurance against war risk have arisen. In *General Steam Navigation Co. v. Janson* ((1915) 31 T.L.R. 630), it was shewn that the SS. "Oriole" left London on Jan. 29 in a seaworthy condition; that she was last seen off Dungeness on January 30; and that two other steamers were torpedoed off Havre by a German submarine on January 30. On February 6, three of her lifebuoys were picked