

HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

(Denning, J.)

13th November, 1947

MONAGHAN v. THE MINISTER OF PENSIONS

JUDGMENT

MR. JUSTICE DENNING:- During the advance into Belgium in November, 1944, our men came across a barge loaded with spirits. Some Engineers and Pioneers whose proper work was building a Bailey Bridge, took to drinking the spirit and some took too much of it. One of them was Private Monaghan, an Irishman. The effect of it on him was that he was so drunk that he swallowed some of his own vomit which got into his lungs and he died within a day or two. The question is whether his death was attributable to war service or not.

The general principles of causation are set out in *Chennell's case* ⁽¹⁾. The line eventually has to be drawn by common sense between what is a cause and what is only part of the surrounding circumstances. In this case the cause was that Private Monaghan, with others, drank this raw spirit, an act entirely within his personal sphere. Although war service was the circumstance which gave him the opportunity to drink, it was really only part of the surrounding circumstances in which the cause operated. The case is on the same footing as *Wedderspoon's case* ⁽²⁾. I said there that the consequence of drinking too much would not be attributable to war service. That is exactly this case. Although the war service gave the opportunity for the drinking, the real cause was the personal action of Private Monaghan in drinking this raw spirit, and that is not attributable to war service. The appeal is, therefore, dismissed.

⁽¹⁾ Ante p. 253.
⁽²⁾ Ante p. 347.