

HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

(Denning, J.)

16th January and 17th February, 1947

WEDDERSPOON v. THE MINISTER OF PENSIONS

JUDGMENT

MR. JUSTICE DENNING:- On the 5th June, 1945, Surgeon Lieutenant Wedderspoon was found dead in his sleep on board his ship. He was aged 33 years. A post-mortem was made and an enquiry held. His death was found to have been caused by administering to himself a dose of chloral hydrate. There was no suggestion that he had committed suicide; he appeared to be quite normal and happy before retiring to bed, and his death caused a great shock to his fellow officers. He appears to have gone to the sick bay on his ship at about half past twelve in the early morning on the 5th June, 1945, before retiring to bed, when he washed and cleaned his teeth. He then asked the leading sick bay attendant where the chloral hydrate was kept, and when told, he took a medicine glass and put some of the crystals into it. He did not measure the dose as he usually did when prescribing. The leading sick bay attendant said that he worked with him for 18 months and he had known the dead man to dose himself with chloral hydrate three times before in a period of five months. There was a senior medical officer on board the ship. The post-mortem revealed that he was suffering from a weak heart, namely, well marked atheroma of the coronary arteries. It was a heart such as would have been expected in a man very much older. Nearly ten grains of chloral hydrate were found in the stomach.

The Tribunal say, in the case stated, that they were satisfied beyond reasonable doubt that he had administered to himself an overdose of the drug and that his death would not have been caused or hastened if he had not administered to himself such a dose.

The question for determination is one of causation. Applying the test which I enunciated in *The Minister of Pensions v. Chennell (1)*. I am of opinion that the cause of this officer's death was the taking by him of a dose of chloral hydrate without measuring it out and without advice. His weak heart and his sleeplessness were not causes of his death, but only the circumstances in which the cause operated. They were factors in the situation, but factors which fell short of being causes.

It is said that if the doctor had carelessly administered the overdose to one of the ship's company and not to himself, the death of the man would be attributable to war

service. That is true, but this case is different. The dose was taken by Lieutenant Wedderspoon in his personal capacity. It is not a case of a ship's doctor prescribing for himself, but the case of a man who happened to be a doctor taking too large a sleeping draught in his personal capacity. The consequences of such an action are no more attributable to war service than the consequences of drinking too much or smoking too much or playing a game of squash, as in *Horsfall v. The Minister of Pensions (2)*. The cases show that when the cause of the death or disablement lies in the man's own personal or domestic sphere, and the war service does no more than provide the circumstances in which the cause operated, it is not attributable to war service.