

The task devolving upon me has been painful, and I would gladly have come to a different conclusion could I see my way to do so.

I have nothing whatever to do with the suggestions made of persecution by the Attorney-General of British Columbia or the action of the Minister of Justice in exhibiting this information. They are the guardians of the proper administration of justice in the Dominion of Canada and the Province of British Columbia respectively and must be held to have acted in the best interests of the trusts committed to them.

I think the defendant must repay the various sums of money received by him with interest from the dates of payment. The amounts should be easily arrived at. In the event of a difference the amount should be settled by the Registrar.

The defendant must pay the costs of this action.

B.C.]

[Oct. 22, 1913.

SUPREME COURT OF CANADA.

MAHOMED v. ANCHOR FIRE AND MARINE INSURANCE CO.

Fire insurance—Blank application—General agent—Misrepresentation—Knowledge of company—Overvaluation.

F., the manager, for British Columbia, of a fire insurance company, with power to accept risks and issue policies without reference to the head-office of the company, received an application from M. for insurance for \$2,100 on merchandize, furniture and fixtures contained in a building described as a store and dwelling-house. The application was accepted, and a policy issued by him apportioning the insurance upon the three classes of property separately. A loss having occurred, payment was refused on the grounds that the stock was overvalued and the premises improperly described as a dwelling-house whereas, in fact, it was also used as a lodging-house. At the trial it appeared that a portion of the premises was fitted up for lodgers; the plaintiffs testified that F. inspected the premises before the policy was issued, and that they had made no apportionment of the insurance but left the matter altogether in the hands of F. F. testified that he sent an agent to have the application signed and the apportionment made and that he filled in the figures upon the blanks in the application from