

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

(Registered in accordance with the Copyright Act.)

PRINCIPAL AND AGENT—AUTHORITY OF AGENT—CONTRACT BY AGENT IN NAME OF HIS PRINCIPAL BUT IN HIS OWN INTEREST—LIABILITY OF PRINCIPAL.

In *Hambro v. Burnand* (1904) 2 K.B. 10, the Court of Appeal (Collins, M.R., Romer and Mathew, L.JJ.) have reversed the decision of Bigham, J. (1903) 2 K.B. 399 (noted ante vol. 39, p. 713). The defendants, other than Burnand, had given written authority to Burnand to underwrite policies, and among others he underwrote a policy guaranteeing the solvency of a certain company which he was personally interested in keeping afloat. The plaintiff did not inquire into his authority when accepting the policy. Bigham, J., came to the conclusion that the principals might under these circumstances repudiate the act of their agent, but as Romer, L.J., points out, if the plaintiff had inquired into Burnand's authority and had seen the writing it would have been hopeless to argue that his principals could afterwards as against persons dealing *bonâ fide* with him, have repudiated his acts done within the limits of that authority, on the ground that he had acted from sinister motives, and the mere fact that they did not inquire into his authority was really immaterial, by so doing they merely ran the risk of his having in fact the authority to enter into the contract which he claimed to have; but having in fact that authority, the plaintiffs, who had acted *bonâ fide*, could not be affected by the fact that the agent in exercising it was actuated by improper motives.

HABEAS CORPUS—JURISDICTION—WRIT OF HAB. CORP. DIRECTED TO PERSON OUT OF THE JURISDICTION AT DATE OF ORDER THEREFOR—(R.S.O., c. 83, s. 1.)

In *The King v. Pinckney* (1904) 2 K.B. 84, the Court of Appeal (Collins, M.R., and Mathew and Cozens-Hardy, L.JJ.) have determined that there is no jurisdiction to order the issue of a writ of habeas corpus against a person who, at the time of the making of the order, is out of the jurisdiction of the Court. In this case the applicant for the writ was the father of a child in the custody of