

ledge of insolvency. It was ordered that the resolution be communicated to the Canadian government.

The decease of Mr. A. H. Lunn is deserving of notice, not merely because one of the senior members of the profession in Montreal is thereby removed, but because Mr. Lunn, during his lifetime, offered a bright example of advocacy governed and directed by high principle, and by a lofty conception of what was due to his chosen profession. So modest and unassuming was he, even in his professional relations, that when, at one time, he was elected *bâtonnier* of the Montreal bar by the voice of his *confrères*, he refused to accept the office, believing that others had stronger claims to the position. Mr. Lunn was appointed a Q.C. by the provincial government. He was a brother-in-law of the late Mr. Justice Cross, of the Court of Appeal, and an uncle of Mr. Selkirk Cross, Q.C. He was admitted to the bar in February, 1854, and had reached the age of 62 when he succumbed, after a long illness, to an attack of heart disease. Mr. Lunn was a partner formerly of the late Mr. Justice Cross, and of Mr. Justice Davidson, now a Justice of the Superior Court. For many years before his death he practised law as the senior member of the well-known firm of Lunn & Cramp.

SUPREME COURT OF CANADA.

9 DEC. 1895.

NORTH BRITISH INSURANCE COMPANY & TOURVILLE ET AL.

Reversal of judgment on questions of fact. (Vide Ante, p. 9.)

TASCHEREAU, J.:—

By this action, instituted in March, 1884, the respondents, as assignees of one Evariste Duval, claim from the company appellant the sum of \$5,000, being the amount of an insurance policy issued on the 7th September, 1883, by the appellant to the said Duval, concurrently with other policies in various other companies, amounting altogether to \$17,000, on a quantity of lumber then piled in a yard on the river Nicolet, which lumber was but two weeks afterwards destroyed by fire.

The appellants pleaded in answer:—

1. That the policy was obtained by the false and fraudulent represent-