

T H E

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CURRENT TOPICS AND CASES.

On July 30, the Judicial Committee of the Privy Council affirmed the decision of the Court of Queen's Bench, Montreal, in *Connecticut Fire Insurance Co. & Kavanagh*, M. L. R., 7 Q. B. 323. In this case the defendant Kavanagh, an insurance broker, was the agent in Montreal of two foreign insurance companies, one of which instructed him to cancel a certain risk in Montreal, which he had accepted for the company. After suggesting a reconsideration, and the order being repeated, the defendant complied, and he then immediately transferred the insurance to the other company for which he was agent, without informing them that the risk had been refused by the first company. He made the transfer, moreover, without the knowledge of the insured, and without notice to them. On the same day that the risk was thus transferred from one company to the other, and very shortly after the instruction was given to the clerks in the office, a fire occurred in the premises insured, and the loss was paid by the company to which the risk had been transferred. Action was afterwards brought by the latter company against Kavanagh, to be reimbursed the amount of the loss, which they alleged they had paid without cause, and upon false representations by the agent. Wurtele, J., in the Superior Court, decided (M.