COMMERCIAL UNION ASSURANCE COMPANY.

A statement of this Company's transactions in 1869, shows a balance on hand at the close of the year, amounting to £54,553 on the fire branch as against £16,634 the previous year. The life business is making steady progress, notwithstanding the unsatisfactory state of public feeling in England with regard to life companies. This may be accounted for chiefly by the complete immunity of the life branch from the hazards pertaining to the fire and marine branches, by the limiting of the expenses chargeable to the life department to a very low per centage, and by the publicity which is given to the company's investments. The life funds now amount to £189,559.

In the marine branch a large balance of profit is shown, amounting to £64,296, out of which £25,000 was appropriated to payment of a 10 per cent. dividend, £30,000 was added to the reserve fund and the balance carried forward. An elaborate balance sheet showing the investments and the position of the company's affairs at the end of 1869 is given on our last page.

THE McGILL FIRE AT HAMILTON.

The suit of Mason *vs.* The Northern Insurance Company, one of the many suits which have sprang out of the McGill fire, of June last, was brought on for trial at the Hamilton assizes and occupied eleven days and a-half; after the examination of a large number of witnesses, it was decided to adjourn the case over until next assizes. On reading the evidence adduced, one cannot help feeling that the Insurance Companies have done right in resisting, to the utmost, the claims made upon them in respect of the fire. A Hamilton journal has taken occasion to assert that the plea of arson should not be allowed in a civil suit by way of defeating a claim for insurance money. But if anything were wanting to show its utility, the evidence given at the trial of the case under consideration would supply it. It is all very well to say that where arson has been committed, it should be made the subject of a criminal prosecution. No one will venture to dissent from this; but until individuals and insurance companies can be got to take on themselves the risk and possible odium of becoming public informers and prosecutors it is dangerous, to say the least, and certainly unprofitable to dispense with the defence in civil cases. Juries would give verdicts on a plea of arson when they could not be induced to condemn the accused to the penitentiary. The evidence, in all such cases, is circumstantial, and facts which might weigh with a jury in a matter of dollars and cents would be less esteemed if the life and liberty of a man were to depend on them alone.

The fire broke out in McGill's place at about eleven o'clock at night, when the door was broken open with a sledge it was found that fire was coming out of the cellar just under the hatchway. One of the witnesses says that when he arrived, John Macdonald, the porter, was standing on the platform of the second story holding by the pulley-rope crying "fire." Several witnesses spoke as to the great familiarity which seemed to exist between the McGills, their porter and a man named Howie. The evidence of Robert McGill was taken on commission as he is in the States. It certainly is a most extraordinary recital. He said proposals were made to him by his brother Edward, previously to the first fire, to set fire to the building. The arrangement suggested was to get some tow and saturate it with turpentine, after a slight experiment with the tow it was found not to work, and it was agreed that they should take Howie into their confidence. They accordingly spoke to Howie telling him that the business was "going to the d—l" and the only way to secure a part of the property was to fire the building. A plan was then agreed upon. Howie said he would fix the lamp that hung in the cellar in such a manner that the lamp would fall. The lamp was lit several times and put into the bracket, but it did not fall. So another plan was tried. The witness proceeds:

I got a piece of cotton batting, saturated it well with turpentine, and in order to see how it would burn, we tried it on a frying-pan, up in the third or fourth storey of the building; we saw that a small piece would make a big blaze for a long time; it was agreed between us three that I should throw the cotton batting into the cellar; Howie and Edward Magill were to watch—Edward at the iron-house door, and Howie at the front door; this was arranged to come off at twelve o'clock, when they were all at dinner; I went half-way down the stairs, and lit the piece of cotton batting, which was rolled in a piece of paper, and threw it down where the oil, turpentine, and varnish had saturated the floor; this batting happened to fall into one of the tin measures which we had for measuring off oil and turpentine, and it burnt out; caused a great smell while it was burning, and we thought the thing would surely go; that didn't succeed, and we tried another way; we took John McDonald then into confidence; I was to be the first to speak to John McDonald; I was to find out how far he could be trusted; I spoke to John; I said, John, I have something to say to you—Do you think we could get a lot of goods out of here in such a way that no one would know it? He did not know—he guessed we might, or something of that kind; I I said—would you do it, if we wanted you to do it? He said, yes; he would send his soul to hell for either my brother or me; I said John—it is a bigger thing than that I want you to go into; you must never open your mouth or say a word about it; he swore he would not; I explained then to him that we knew the business was going to the d——l, and that there was nothing made by the composition, and that in order to get George's property clear, a fire should take place; I asked him if he would set the fire; he said he would; we talked over how it should be done; he was to saturate the place well with turpentine and oil, and he did so; he was to upset a lamp, as if by accident; he got scared; he trembled, and said he was afraid to do it; about that time—that is the time all these experiments were going on—I was preparing to go to Dunnville; he said I would not be there long before I heard about the fire, and I was only there a very short time when I received notice of the fire, as above stated; he came out also a day or two after the fire; he had a day or two holidays, and he came there for me; he and I walked round together, and we talked about the fire; Edward proposed another plan; there was in the shop a hatch in which we used to keep coal and wood; he said that by putting a cord through this hole, which led into the cellar, and attaching it to the lamp, by jerking it, it would upset the lamp; the matter was frequently the subject of conversation in the smoking room in my house, and also in the storehouse, at the corner of Hughson and King William streets. I met McDonald on Sunday morning, at the corner of King and Bay streets; went into the store; on that occasion we spoke about the fire, and frequently after that we spoke about it in the same store house; another proposal made by Edward was that a lot of leather belting in the third storey of the building, was to be removed from the third storey to the second storey over the iron house, so that in case of fire that it could easily be thrown out and saved; that belting was removed by one of the hand named James Murray; I and my brother tied it up and put in order down stairs after its removal; after the first fire my brother Edward and myself were walking up and down the store in Dunnville, and he told me to see McDonald and let the second fire rip as soon as he could; I saw McDonald, and asked him if he would do it; that day my brother had told me to tell him to let it go on as soon as possible; McDonald said he would; I met Howie the same afternoon; I told him of the conversation I had with McDonald about the fire, and that he (Mcdonald) said he would do it, this conversation occurred coming down from the Court House in Hamilton, on the occasion when he was attending the court; that was constantly the subject of conversation between us whenever we met; I saw Howie, Edward Magill, and John McDonald after the fire; Edward and John McDonald both had conversations with me in reference to the fire; Edward stated that it was done in such a way that no person could tell who had done it, and no suspicion would be attached to any one; and he added that the next fire would be a success; that the whole thing would go next time; I believe I have already stated what John McDonald said; but it was the frequent subject of conversation between us; I heard of the fire through the public papers in Detroit, where I was then residing.

The individual who gave this cool piece of evidence had been a member of the firm but was forced out of it. He alleges that he was to receive a share of the insurance money after everything was settled. He made a statement of the circumstance to an insurance agent in Detroit, and it appears had not only threatened his brothers with a disclosure but was offered money by some one who acted for the insurance companies, $7,000 was the amount named.

Although this evidence is not above suspicion and would scarcely be believed unless supported by strong corroborating facts yet such are not wanting, and judging the whole case so far as it has gone, we find no difficulty in coming to the conclusion that the payment of the claim arising out of this fire