

# OUR HOME

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## THE POINT OF THE PEN.

### INSURANCE LEGISLATION.

Sir Oliver Mowat has been reported as saying to a deputation that waited upon him recently in connection with an insurance matter that the courts would probably decide that all insurance legislation would have to be enacted by the provincial assemblies instead of by the Dominion Parliament. Sir Oliver Mowat has established a reputation as a constitutional lawyer. For many years he has been contending that the powers of the provincial legislatures are greater than was at first supposed, and while the Supreme Court of Canada has usually decided against him, the Judicial Committee of the British Privy Council, the highest court in the empire, has almost invariably favored his view.

There is little doubt that the fathers of Confederation, in framing the British North America Act, intended to give the Dominion Parliament control of insurance legislation, but the Judicial Committee of the Privy Council are not guided in their decisions by the intentions of the fathers of Confederation. They know nothing about the intentions of men who are dead, as many of them are, but they have the British North America Act before them and interpret its meaning strictly in accordance with the letter.

It is therefore very probable that if Sir Oliver Mowat has expressed the opinion that the provincial legislatures have exclusive jurisdiction in insurance matters the Judicial Committee of the Privy Council will agree with him as

usual, and the insurance laws of the Dominion will be thrown into dire confusion unless the managers of insurance companies throughout the country take united action to prevent it.

It may be said that nothing can be done: that if the Privy Council decides that the British North America Act gives the provincial assemblies complete and exclusive jurisdiction in insurance matters there is nothing to do but submit to its judgment. But the Canadian constitution is not unalterable. The British North America Act can be amended. If the Dominion Parliament and the provincial legislatures would unitedly petition the British Parliament to amend the British North America Act the petition would be immediately granted without discussion.

The managers of the insurance companies should see that the case is placed before the Judicial Committee of the Privy Council in the best light by the best lawyers, and if the decision should be against Dominion jurisdiction no time should be lost in petitioning the provincial legislatures and the Dominion Parliament to secure an amendment to the British North America Act placing insurance under Dominion jurisdiction. Every policy holder should be asked to sign the petition and probably scarcely anyone would refuse.

All the leading insurance companies do business throughout the Dominion, and the various benefit societies have their lodges in every province. It must be evident to everyone that it is better to have the same insurance laws throughout the Dominion than to allow