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INSURANCE LICENSE.

A case in which somewhat peculiar arguments were used to defend a company which was accused of breaking the law (Dominion Insurance Act), came up at the Vancouver Police Court last week. On December 18th a charge was laid that Mr. W. S. Holland, of the firm of F. J. Holland & Co., of that city, had taken a fire insurance risk on a building owned by Sam Kee, a Chinatown merchant, in the Equity Fire Insurance Company, without this company having been registered or having been registered or having paid a license fee for doing business in the Dominion or the Province of British Columbia. Mr. Holland pleaded "Not Guilty," and was represented by Mr. W. J. Bowser. The prosecutor was the Mainland Board of Fire Underwriters, who were represented by Mr. Williams. Mr. G. W. Hobson, secretary of the Board, testified that the firm mentioned did business in Vancouver, and its sign at the Molson's Bank building was "Victoria-Montreal Insurance Company; capital, \$100,000." It was not connected with the Mainland Board of Underwriters. Sam Kee was called to identify the policy issued to him by Mr. Holland, and the receipt for the premium paid by him.

This completed the case. Mr. Bowser, for the defence, argued that no case had been made out in that the proof of the non-payment of the license had not been forthcoming. He argued that to make a case at all, it must be shown that they had not complied with the law, the different provisions being that exemption from license was held by companies incorporated before the passing of the Act in 1886, and in cases where they were given Provincial charter, exemptions were made accordingly as the specific cases fell in the various classes. Mr. Bowser contended that an infraction must be shown with some one or other of the cases suggested.

"You cannot prove that we did not get a license; therefore we are not guilty. Besides, how do you know that we are not exempt from license by reason of the fact that we have a provincial and not a Dominion charter?" Such appears, to an unsophisticated layman, to be the gist of the plea made for the Equity Fire.

Mr. Williams, speaking for the underwriters, quoted several cases to show that in such cases, where the knowledge—in this case, of the issuance or non-issuance of a license—was knowledge peculiarly of the defence, they were put on their defence to show that they had complied with the law. As a matter of fact, he had heard from the registrars at both Victoria and Ottawa, that no such company was registered, but it would be almost impossible to search through the papers of the various Provincial departments to find if a license had been granted in any one, which would make it come under one specific class, as set forth in the Act. It was knowledge peculiarly of the defendants, and they were bound to prove that they had not committed a breach of the law in this way.

Mr. Bowser made the distinction between "peculiar knowledge," and what ap-

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