

CANADIAN BAR ASSOCIATION

REPORT OF THE COMMITTEE ON INSURANCE.

In 1916 your Committee presented a general report dealing with insurance from a number of points of view. It outlined the conflict which exists between Dominion and Provincial authority and referred to the contests which have arisen between these jurisdictions. The report ended with an appendix containing the Report made in 1876 by the Ontario Judges appointed to settle conditions of fire insurance policies.

It is too large a task in a second report to present for consideration a Standard Statute which will cover all phases of insurance.

Your Committee, therefore, proposes to commence where they left off in last year's report, and deal in this report with the subject of a Fire Policy Act.

The decisions of the Privy Council have fairly settled that the jurisdiction in reference to insurance contracts lies largely with the provinces.

It is probably because of these decisions that "The Insurance Act, 1917," is at the time of the preparation of this report before the Dominion House.

Other branches of insurance, such as life, personal, accident and guarantee require attention, and the companies devoting themselves to these branches are considering improvement in the law.

Our Committee hope at a later stage to assist them in working out their problems.

Statutory conditions were first adopted by the Province of Ontario in 1876, when they were placed in a separate Fire Policy Act. Statutes based closely on this were enacted as follows: In Manitoba in 1888, in Nova Scotia in 1889, in British Columbia in 1893, in the North-West Territories in 1900, in Quebec in 1908, and in New Brunswick in 1913. Prince Edward Island has no fire insurance statute. Ontario has always been very prodigal in producing insurance laws. In 1887 all at that date were consolidated in one Act of 44 pages. The next consolidation, in 1897 grew to 109 pages, and in 1910, to 125 pages. In the Ontario revision of 1912, a number of important changes were made in the Statutory Fire Conditions, and new sections were added to regulate the form of fire policies. This new Ontario law was adopted in Manitoba, Saskatchewan and Alberta in 1915, almost verbatim, so that the four provinces last mentioned are practically uniform on this branch of insurance law. The other provinces, except Prince Edward Island, have