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## DECISIONS IN COMMERCIAL LAW.

**ARCHIBALD V. THE QUEEN.**—The Supreme Court of Canada has decided that where the Crown by the construction of a public work has interfered with a right common to the public, a private owner of real property whose lands or any right or interest therein have not been injured by such interference, is not entitled to compensation in the Exchequer Court, although it may happen that the injury sustained by him is greater in degree than that sustained by other subjects of the Crown. The injurious affection of property by the construction of a public work will not sustain a claim against the Crown based upon that clause of the Exchequer Court Act which gives the court jurisdiction in regard to claims arising out of any death or injury to the person or to property on any public work from the negligence of any officer or servant of the Crown while acting in the scope of his duties or employment.

**ATTORNEY-GENERAL OF CANADA V. CITY OF TORONTO.**—By the Ontario Municipal Institutions' Act it is the duty of a municipal corporation which has constructed waterworks to supply water to all buildings on land along the line of any supply pipe, on request of the owner or occupant thereof. By the Municipal Waterworks' Act the corporation has authority to regulate the distribution and use of water and fix the process and time of payment therefor, and the corporation may pass by-laws, etc., or allowing a discount for prepayment. Pursuant to these powers, the corporation of the city of Toronto passed a by-law allowing a discount on all water rates paid in the first month of the quarter for which they should be due, but the same was not to apply to government or other institutions which are exempt from city taxes. A tender was made to the city of the amount assessed on property of the Dominion Government less the discount allowed by the by-law, which was refused, and the whole amount having been paid under protest, an action was brought against the city for the rebate. Held by the Supreme Court of

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Canada that the legislature intended and enacted that the rate for water supplied by the city should be an equable rate charged upon all consumers alike, and the city corporation had no power to impose a greater rate for water supplied to a consumer who is not subject to civic taxation than is imposed on consumers who are; therefore the by-law was *ultra vires* in so far as it makes a distinction between two classes of consumers.

**PETERS V. CITY OF ST. JOHN.**—By the St. John City Assessment Law, the agent or manager of any life insurance company doing business out of the Province is liable to be assessed upon the net profits made by him as such agent or manager, from premiums received on all insurance effected by him; and the better to enable the assessors to rate such company, the agent or manager is required to furnish at a certain time in each year, a statement under oath in a prescribed form, setting forth its gross income, and the particulars of the losses and deductions claimed therefrom, and showing the rateable net profits for the preceding year. By the form prescribed the deductions to be made from the gross income consist of re-insurance, rebate, etc., actually paid, and amounts paid on matured claims on policies issued by such agent or manager. In the form presented by the agent of a life insurance company in St. John, N.B., there was no amount entered for deductions of the latter class, but instead thereof, an item was inserted of "seventy-five per cent. of premiums deposited with government for protection of policy-holders," which was an addition to the form. The statement showed that the deductions exceeded the gross income, leaving no net profits to be taxed. The assessors on receiving this statement, disregarded the result shown thereby and assessed the agent on net profits for the year of \$6,300. In support of a motion to quash the assessment, it was shown by affidavit that the amount required to be deposited with the Dominion Government by the company assessed was about seventy-five per cent. of the premiums received, and that the amount of such deposits from time to time returned to the company

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## ALLIANCE INSURANCE COMPANY.

This solid old English Company has a paid-up capital of £550,000, and a fire insurance fund of nearly three-quarters of a million, and with a balance to the credit of profit and loss account of £100,000, after providing for outstanding claims. It boasts in 1892 a fire premium income of £532,182.

The annual report shows that, during 1892, the company issued more than a thousand—to be exact, 1,106—new policies, covering the sum of £766,175 and producing £25,280 in new premiums. The surplus, which has been added to the life assurance fund, is £133,079. On the leasehold and investment policies account, policies were issued for the sum of £60,850. The fire and profit and loss accounts show a surplus of £119,425, after paying losses for the year, 4 per cent. greater than average, on home business; £106,243 has been carried to profit and loss account, and £13,182 added to the fire insurance fund. The life assurance fund of the Alliance amounts to £2,271,237; fire insurance fund, £717,128; leasehold and investment policies fund, £6,228; profit and loss account, £100,000—£3,644,595. The directors have declared a dividend of 8s. per share on the paid-up capital. The extensive dimensions reached by the business of this company—now in its seventieth year, having been founded in 1824—suggest that its policy-holders are sure of safety and of liberal treatment.

Chawles.—"Count Maugipawni is giving it out that his family wealth is simply fabulous." Synnio.—"You bet it's fabulous."