

THE LATE COL. F. MINDEN COLE, D.S.O.

By the death recorded on the 7th instant of Colonel F. Minden Cole, Montreal lost a citizen who was honored and respected for his many sterling qualities. In what ever circumstances he was placed Colonel Cole always has been worthy of the grand old name of "a soldier and a gentleman." Since his return from the war where he served the Empire with distinction, in command of an artillery brigade, his health had not been robust, and his death followed an operation, which was performed some weeks ago for internal trouble. Colonel Cole as a military man was the holder of various medals and decorations, including the Northwest medal, and Long Service Decoration, the Great War Medal and D.S.O., and with the approval of his Sovereign was appointed a Knight of Grace of the Order of the Hospital of St. John of Jerusalem. In 1878 Colonel Cole held a commission in what is now known as the 2nd Brigade Heavy Artillery, and was its commanding officer from 1892 to 1901. He well upheld the honour of his old Regiment at the front during the late war.

In business circles Colonel Cole was for very many years connected with the Commercial Union Assurance Company in this city as its special agent. He had an old and valuable connection and operated under the firm name of F. Minden Cole & Co. He was a son of the late Mr. Frederick Cole, who will be remembered through his long connection with the Commercial Union as General Agent for the Province of Quebec. The late Colonel Cole will long be remembered for his generous and gentle disposition, and his memory be honoured for his single mindedness, and fair business methods. These were attributes for which Colonel Cole won popularity, and with it the affection of all who had the privilege of his intimacy.

THE UNLICENSED "JITNEY"

The case of Godfrey vs. Cooper, a decision of of the Appellate Division of the Ontario Supreme Court, settled an interesting point of automobile law.

In this case it appeared that three passengers were riding in a "jitney" driven by a driver who had not taken out the license required by the Ontario law. The jitney collided with an automobile driven by Cooper, on account of the carelessness of both drivers, and the passengers in the jitney were injured. The passengers sued for damages and Cooper set up the following defense:—

(1) That as the carelessness of the jitney driver contributed to the accident his passengers were not entitled to recover damages.

(2) That the jitney driver, not having taken out the required license, was unlawfully upon the highway, and the passengers by participating in his illegal act, were also unlawfully on the highway, and were not entitled to recover damages, notwithstanding the negligence of the driver of the automobile.

The Supreme Court of Ontario decided in favor of the passengers, and disposed of the above arguments in the following words:—

"I disagree with every element of this contention. In my opinion a mere failure to obtain a license does not deprive the driver of any right of action he would otherwise have against any person who injures him by negligence. Nor can a defendant rely upon any breach of the provisions of the statute unless he can show that the breach of the statute was a proximate cause of the accident. Nor can any defence avail against a passenger in the car. He is not so identified with the driver as to be disentitled to recover by the fault of the driver."

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