

Montreal. It does not make it obligatory upon agents to furnish annual statements but merely says that if the companies refuse or neglect to furnish their returns the City Treasurer shall establish a return based upon the preceding year's figures.

The method adopted by the City, quite apart from any instruction to that effect in the by-law, is to make use of an unsworn, unverified list of companies known to the Canadian Fire Underwriters' Association and furnished by the secretary of that company.

It seems to me that the City has not fully availed itself of the authority granted to it by R. S. Q., Art. 3821 and that under the by-law as promulgated and by the methods adopted to ascertain the number of companies doing business in Montreal and the extent of their revenues, there can be no certitude that the by-law is being impartially enforced. The by-law should, I think, compel companies under a penalty to file declarations with the City. As I have said, the power to do this must be held as implied. Both the by-law and the methods of giving effect to it are inadequate and operate unjustly.

By-laws must be reasonable, certain and effective; otherwise they are oppressive and illegal.

It results from my view of the case that the plaintiff's action must be dismissed and the intervention filed by various interested companies maintained.

Mr. Lavallé appeared for the City of Montreal, Mr. A. Phelan for the Ontario Fire Insurance Company and Mr. Charles Gaudet, K.C., as Counsel for the latter Company and the intervening companies.

On the subject of this tax Mr. J. Gardner Thompson writes to the Montreal Gazette:—

To the Editor of The Gazette:

Sir,—In Saturday's issue you publish a statement by City Treasurer Robb on the fire commissioners' tax. Let it be understood that the resistance of the insurance companies was not for the purpose of evading the tax, but to ensure that all companies doing business in the city pay their share. They believe that the city should bear the entire cost of the commission and do not admit that any tax should be imposed, but if it is imposed then all companies should contribute. They cannot see why licensed companies doing business here openly and above board should pay while underground unlicensed concerns with no stake in the country escape scot free. On the contrary they consider the latter should be discriminated against by a heavier imposition.

J. GARDNER THOMPSON.

Montreal, May 22.

We agree with the views expressed by Mr. Gardner Thompson. It is obviously unfair to let off scot free companies doing an underground business, when the regular licensed companies pay all legitimate taxes, and keep up their establishments in Montreal. And the majority of them owning their own offices, contribute in a very substantial manner to the upkeep of the city.

Notes on Business.

Fire and Marine Business in New York State. A summary of the business of fire, fire-marine and marine insurance companies operating in New York State during 1910 contained in Part I of the annual report of the State Insurance Department, shows that at the close of the year the 204 fire, fire-marine and marine insurance companies doing business in New York were possessed of \$583,650,756 of admitted assets, not including assets held abroad, nor premium notes of mutual companies. This is an increase of more than \$41,-

000,000 as compared with the financial returns of the above companies for 1909. The liabilities of these companies, excepting scrip and capital, were \$316,480,500, an increase of some \$20,700,000 over those of the preceding year. The total income was \$332,321,231 and disbursements \$203,027,166, an increase as compared with 1909 of about \$15,000,000 in income and nearly \$18,000,000 in disbursements. Premium receipts increased about \$16,700,000, while losses paid increased \$13,000,000. The unpaid losses show a slight increase over 1909. The total amount of insurance in force at the end of 1910 was nearly \$44,500,000,000, an increase over the previous year of about \$4,000,000,000. The total result of the companies' underwriting and investment returns shows that the 204 fire, fire-marine and marine insurance companies reporting to the department for the year 1910, made an underwriting gain of \$18,626,339. The gain from investments of these companies was \$14,842,846, a total of \$33,469,185, from which must be deducted a loss in surplus of \$21,018,523, on account of dividends paid, changes in special reserves and balance of remittances to and from home offices of foreign fire and marine companies of other countries, making the total net gain in surplus for the year \$12,450,662.

Not a Very Profitable Year. The fire companies wrote in the State of New York during 1910 \$5,682,606,591 of insurance, an increase of about \$304,000,000 over the previous year. The excess of fire premiums received over fire losses incurred and estimated expenses on New York State business for the year was \$8,272,868 and is classified as follows:

New York State companies	\$2,649,352
Companies of other states	3,099,649
Foreign companies—U. S. branches	2,522,897

The marine and inland risks written in the State during 1910 by fire and fire-marine companies show an increase of \$374,000,000 over those of 1909. The summary of the results of the operations of the companies for the past year shows that 1910 did not prove a very profitable one; the material increase in fire losses and the relatively low values of securities both had their effect in reducing the amount of the increase in surplus funds at the end of 1910 by nearly \$15,000,000 from that shown for 1909. The fire losses in the United States and Canada for 1910 are stated as \$234,500,000, being some \$31,000,000 in excess of those of the previous year. "In the above figures," observes a departmental statement, "no account is taken of the necessarily large amount of indirect loss which is always an important factor. In considering this enormous and permanent loss of property value, it is at least gratifying to note that owing to the sad and apparently needless sacrifice of human life in the recent fires in manufacturing plants in Newark and New York, the authorities of the larger cities of the country are at last, though tardily, waking up to the fact that more stringent fire prevention ordinances and building laws must be enacted. There should be no delay in overcoming present conditions by such remedial legislation as will serve to largely reduce the tremendous amount of property waste by fire and prevent such holocausts as those above mentioned."