

## LEGISLATION AND JUDICIAL DECISIONS.

From Report of Dominion Superintendent of Insurance—dated 10th July, 1882.

The only public Act passed by the Parliament of Canada during its last Session in relation to Insurance was an Act to provide for the winding up of insolvent companies, designed to take the place of and to extend the repealed Act of 1878. Some errors of detail which had inadvertently crept into some of the clauses were omitted to be corrected, and will call for amendment in the next Session. No legislation was enacted in reference to the so-called co-operative or mutual benefit companies doing business of life insurance, but the matter will no doubt have early consideration from the Government and the Legislature. A charter from Parliament was asked for on behalf of the "Canada Provident Association," and some doubts having arisen as to the competency of Parliament to grant such a charter, and whether such legislation did not belong to the Provincial Legislatures, the opinions of the Judges of the Supreme Court on this point were requested by the Senate, and these opinions being favorable, the charter was granted.

Several Private Acts (as hereafter detailed) were passed; and it may be noted that three life insurance companies obtained Acts allowing them to erase the word "mutual" from their titles, as if this name had gained an evil odor in the country.

In addition to the judicial decisions above referred to, two important cases involving the constitutionality of the "Fire Insurance Policy Act" of Ontario were argued on appeal before the Judicial Committee of the Privy Council, and judgment was rendered in November last. By this judgment the constitutionality of the Act in question has been finally established, and all companies doing business of fire insurance in the Province of Ontario must comply with its requirements. But their Lordships of the Privy Council have left undetermined the more important and general question whether legislation on the subject of insurance falls within the class of matters assigned exclusively by the B.N.A. Confederation Act to the Parliament of the Dominion or within those assigned exclusively to the Provincial Legislatures. Whether, in short, insurance legislation falls within the description of "the regulation of trade and commerce," and therefore appertains to the Dominion, or whether such legislation is to be considered as affecting "property and civil rights" and therefore appertains to the Provinces—this question remains still undecided.

Their Lordships appear to have found difficulty in giving consistent interpretations to the different sections of B.N.A. Act, and go no further in the present case than to say: "Construing the words 'regulation of trade and commerce' by the various aids to their interpretation above suggested, they would include political arrangements in regard to trade requiring the sanction of Parliament; regulation of trade in matters of inter-provincial concern, and it may be that they would include general regulations of trade affecting the whole Dominion. Their lordships abstain on the present occasion from any attempt to define the limits of the authority of the Dominion Parliament in this direction. It is enough for the decision of the present case, to say, that in their view its authority to legislate for the regulation of trade and commerce, does not comprehend the power to regulate by legislation the contracts of a particular business or trade, such as the business of fire insurance, in a single province, and, therefore, that its legislative authority does not in the present case conflict or compete with the power over property and civil rights assigned to the Legislature of Ontario by No. 13 of section 92."

Seeing the acknowledged doubts and difficulties in which this conflict of powers is involved, may it not be worthy of consideration whether by arrangement between the Dominion and the Provinces the present system of compromise might not be advantageously perpetuated, the Dominion not interfering with provincial companies while confining their business within the limits of their own province, and the provinces not interfering with companies licensed by the Dominion?

**An advertisement reads:** "Wanted—A young man to be partly out door and partly behind the counter;" and the *Cleveland Leader* asks: "What shall be the result when the door slams?"

## BRIGADE NOTES.

**Toronto.**—During the past six months, January to June, 1882, there were 103 alarms of fire, 23 of which were unnecessary.

**Winnipeg.**—It appears from the Winnipeg papers that our old Montrealer, Capt. McRobie, is making great efforts to bring the municipal fire brigade, of which he is chief, to a high state of efficiency. Being anxious that the citizens should make themselves acquainted with the location of the fire alarm boxes, so that an early alarm may be given in case of emergency, he is supplying each citizen with cards giving the location of the boxes and instructions for working them. The officers of the brigade are also to visit all large buildings for the purpose of making themselves familiar with the interiors—a system which might with advantage be followed in Montreal.

**Toronto.**—The Mayor, during his visits to the States, has paid particular attention to the working of the Fire Brigades there, and has also procured copies of the rules governing them. He has now prepared a code of rules for the brigade here, and in his message read at the last meeting of the Council he asked that he be allowed to have them printed, so that a printed draft might be submitted to the Fire and Gas Committee, and the officers of the Brigade, for their consideration and adoption prior to the same being brought before the Council for final ratification, which was agreed to. His reason for such action was as follows:—

Last year in making my annual inspection of the Fire Brigade I found that the only printed rules in use in the department for their guidance were those passed June 26th, 1867, over fifteen years ago. Circumstances have changed so much since then, and so many improvements have been made, that a large portion of the rules are now more honoured in the breach than in the observance, and many are virtually obsolete."

**Quebec.**—It will be interesting to insurance companies to hear that the President of the Quebec Fire Company, having written officially to Mayor Langelier, of this frequently fire-scourged city, to enquire what progress had been made towards rendering the brigade more efficient and towards providing a more ample supply of water in the event of a conflagration, the Mayor has returned the following reply:—

"As to the Fire Brigade nothing has been done, and I do not see what could be done. It is as efficient as can be desired. Our fire alarm telegraph is as improved as those of New York and Montreal, and we have first class fire engines. If we had a sufficient supply of water there are few fires that would not be stopped in a very short time. Our men work just as well, if not better, than those of Montreal. As to water supply, the Water-Works Committee is just now examining the question of its increase, either by the laying of an additional pipe or by building a reservoir. In the meantime the Corporation keep at various places large cisterns always full of water, and which could feed our fire engines until there is enough pressure in the pipes. If we had a few more of those in a high place very little would be wanted as a protection against fire. If another pipe is spoken of it is especially for the health and enjoyment of the citizens. As a mere precaution against fire something much cheaper could be had in the shape of fire engines and cisterns. P. S.—Since writing the above I have made an experiment with our fire brigade by sounding an alarm where the great fire occurred last year. In one minute we had the first detachment of the brigade, within three minutes we had the second, and after five minutes we had the third from St. Rochs."

**Montreal.**—The Fire Brigade was assembled on the 1st instant on the Champ de Mars for inspection by the Fire Committee and representatives of the Insurance Companies doing business in town.

An accident, happily unattended with serious results, by which the life of sub-Chief McCulloch was placed in jeopardy, took place as one of the reels was entering the Champ de Mars from St. Gabriel street. As the carriage was crossing the sidewalk the reel gave a sudden jolt, and Mr. McCulloch was thrown from his seat beside the driver. He