

Mr. MACDONALD: But my hon. friend will never have a better opportunity for doing away with this isolated Act and amending the Government Railway Act by simply maintaining the right of action against the general manager. One of the great advantages in regard to this Act, which relates to the Railway Commission, is the fact that it extends the remedy of parties who have met losses or damages or have had business connection with the road; it enables them to invoke the aid of the court.

Mr. COCHRANE: They can do that now.

Mr. MACDONALD: No. On the Inter-colonial railway you have to go to the Exchequer Court.

Mr. COCHRANE: Well?

Mr. MACDONALD: Why will not the minister agree? Why should he deal with the thing piecemeal? I know that the Department of Justice have always been slow in regard to this matter, why I do not know. If the minister is going to do this, he ought to do it right. It does not make any difference to him, but he is preventing the application of those sections of the Act which really are of advantage to the district through which the railway runs. There is no need for taking two bites of a cherry.

Mr. COCHRANE: You did not want any of the cherry yesterday.

Mr. MACDONALD: My hon. friend is surely not complaining when, in the best possible humour, I am trying to help him make a good Act. He does not want to fight with me all the time. I am anxious only to get the best Bill we can, and I submit that it is no unreasonable request.

Bill reported.

CRIMINAL CODE AMENDMENT— INSURANCE.

On motion of Hon. C. J. Doherty, the House went into committee on Bill No. 54, to amend the Criminal Code respecting insurance.

Mr. Rainville in the Chair.

On section 1, soliciting for insurance forbidden except as permitted in proviso.

Mr. CARVELL: Would the minister state the purport of this section?

Mr. DOHERTY: This Bill is really complementary or supplementary to the Insurance Bill which has gone through the

[Mr. Cochrane.]

House. The Insurance Act imposes upon companies subject to Dominion jurisdiction the obligation of taking out licenses. That Bill provides no penalty for failure to take out a license. It is being dealt with as a matter of criminal law because there have been some difficulties with regard to the legislative competency of this Parliament over the carrying on of the business of insurance. It may be suggested that if the matter be dealt with otherwise than from the point of view of criminal law, objection may be taken to the competency of Parliament, which objection would disappear once it was quite clear that Parliament approached the matter looking at failure to comply with the obligations imposed as constituting public wrong. The obligation already exists under the Insurance Act; this is merely to provide a penalty in the event of non-fulfilment of the obligation.

Mr. CARVELL: While I entirely agree with the object of the present Bill, I should like to see another clause added to embody the principle of an amendment passed by the Banking and Commerce Committee when the insurance law was under consideration some three or four years ago—to make it a criminal offence for the agent of a bank to engage in the occupation of an insurance agent. I realize that I am raising an entirely new point, but I cannot allow this opportunity to pass without at least calling it to the attention of the committee. I do not know to what extent this has become a grievance in Canada as a whole, but I do know that in the province of New Brunswick we have at least one case that has become a public scandal. The agent of one of the big chartered banks of Canada carries on a private insurance business, and practically controls the entire insurance of a very large section of the province of New Brunswick. No man can do business with, or get accommodation from, this bank unless all his insurance, or that of the corporation to which he belongs, goes to the agent of the bank. It works out in two ways. In the first place, he drives everybody else out of business; no other insurance agent can thrive in that district. He may do a little business with some of his friends, but when it comes to the big business he is driven out. In the second place, to my personal knowledge—I am speaking now from knowledge which I have obtained as solicitor—people's properties are insured for a great deal more than they could be compelled to pay premiums upon, in order, according to my contention, that this parti-