

The Declaration and Bill of Rights was based upon the Petition of Rights, and was passed in the first year of William and Mary, 1689, and, among other things, further declared the rights and liberties of the subject.

Besides these compacts, various important Imperial Acts are embraced in the Canadian Constitution, among them, Acts relating to religious toleration, to the limitation of the royal prerogative, to the independence of the judges and Parliament, to the freedom of the press, to the abolition of slavery, to Catholic emancipation, etc.

I have gone into the question of the original basis of our Constitution for the purpose of drawing attention to a fact too often forgotten in Canada, namely, that our Constitution is not an institution of mushroom growth, or even a development of a century of colonial political agitation, but is a system of laws, based upon centuries of earnest, courageous, persistent struggles for just and equitable government in that pre-eminently law-abiding and liberty-loving little Island in the North Sea, which is at once the heart and the mailed fist of this great Empire of ours.

Now, let us turn for a moment to the study of what I might call the Canadian development of our Constitution. The present system has been a slow and painful growth. It is pleasant to be able to say that even the scars and fierce constitutional struggles have disappeared. It is, while almost entirely a product of the British regime, not completely so. Political development under the French rule was hardly to be expected. It was the rule of an autocratic monarchy, controlled by the commercial greed of individuals and of great corporations, but glorified by the achievements of sundry great men and daring heroes. There were occasional protests and a certain amount of factional fighting in the Colony; but no well defined political parties or even party platforms were evolved. For the last 100 years preceding 1760, the Governor had an appointive consultative Council, which, with the Governor and the Intendant, exercised at once executive, legislative and judicial functions.

Under British administration, the improvement was at first very checkered. The Treaty of Paris, in 1763, ceded Canada to the Crown of England, securing to the people of Lower Canada the free exercise of their religion, laws and institutions. In 1763 the English criminal laws were introduced into Canada by royal proclamation; but by the Quebec Act of 1774 this proclamation was annulled, and the ancient "Coutume de Paris" restored in civil matters. This Act also perpetuated the English criminal laws, placated the French Catholic population and incensed the English Protestant one. As a result of this race feeling, the Constitutional Act of 1791 divided the colony into Upper and Lower Canada, and at same time introduced the representative system of government. Then followed the rebellion, succeeded by the Union Act of 1840, which united Upper and Lower Canada into one Province, under one government. Confederation of Canada, under the British North America Act, 1867, was the key-stone of the Canadian Constitution. The country had passed through almost every variety of constitutional experience and appeared to know just what was wanted. An unwritten chapter of Canadian History is the record of kindly help and invaluable assistance rendered by the mother-country, and especially the Home Parliament at this time.

It is not necessary to go very fully into the provisions of the British North America Act; suffice it here to draw attention to the fact that under the terms of the Act, the Dominion Parliament was to have control of the general affairs of the Dominion, "including matters not specifically delegated to the Provincial authorities." The first subject enumerated as within the special authority of the Dominion Parliament, was "the regulation of trade and commerce; the fifth, navigation, shipping, quarantine and the coast and in-

land fisheries; the seventh, banks, weights and measures, bills and notes, bankruptcy and insolvency.

The specified subjects directly affecting the financial interests of the country, which were placed under the control of the Provincial Legislatures, were as follows: direct taxation within the province; the borrowing of money on the credit of the province; questions affecting property and civil rights; licenses to auctioneers, saloons, taverns and shops; municipal institutions.

It will be observed that there was no special reference in the Act to the regulation of insurance interests, though the necessity for government regulation of such must, I am sure, be recognized by all. Of course, it must be remembered, as all here will, that the insurance business, in 1867, was far from being as important as it is to-day.

It was 1869 before the first official fire insurance list was compiled, and it showed fire policies aggregating, \$171,540.475; premiums received, \$1,785,539; losses paid, \$1,027,720.—as a result of the year's business. Twenty years after Confederation, viz., 1897, the fire insurance of Canada, for that year, was represented by the following figures: amount of policies taken, \$657,098,308; premiums received, \$7,214,614; losses paid, \$4,670,549. This does not include the business of companies operating under provincial licenses. The aggregate figures would show that since 1869 the amount of fire insurance, annually effected in Canada, has multiplied nearly four fold.

The first official statement of life insurance available is that of 1875, which showed the total amount of life insurance effected during that year of \$15,074,250, as against \$44,341.198, shown to have been effected by the statement of 20 years later, during 1895. I might perhaps remark here, by way of explanation, though it is perhaps unnecessary before my present audience, that fire insurance in Canada dates from the beginning of the century, life insurance from the late forties.

I have accomplished two things by quoting the few figures mentioned in the preceding. I have given an idea of the comparative insignificance of the insurance business at the time of, or in the years following Confederation, and I have briefly indicated its rapid growth and present vast importance. Such a far-reaching business certainly deserves recognition in the Constitution of the country, and the earnest attention of the Government. Judge Gwynne, of the Supreme Court of Canada, in rendering judgment in an historical insurance case some years ago, well expressed the importance of fire insurance to the country. He remarked: "When we consider that, but for the business of fire insurance, the trade and commerce of the world could never have attained the magnitude and success, and the exalted position which they have attained, we may well say, in my judgment, that the trade of the fire insurance is, *par excellence*, the trade of trades, without which all other trades would have dwindled and decayed." And equally strong words might assuredly be used in speaking of the wide reaching importance of life insurance,—the investment and protection of the private citizens, his creditors, his wife and his children.

Had the Act of Confederation been passed a few years later than it was, the regulation of the insurance business would doubtless have been specifically detailed as pertaining exclusively either to the Dominion or Provincial Governments, probably to the former. That such distinct specification was omitted from the Act has been the cause of much trouble, some litigation and, I fear, more or less injustice. You all remember the law suits between the Dominion Insurance companies and the Ontario Government over the question of the right of the Provincial Government to tax and regulate the business of insurance companies, even those holding Dominion licenses, doing business in the Province of Ontario. The companies took the ground that having paid the Dominion license fees and complied with the Dominion regulations, it was unjust to expect them to pay for a