LIABILITY OF OWNER OF ADJOINING PROPERTY

IN CASES OF FIRES DUE TO NEGLECT OR VIOLATION OF LAW—BOSTON FIRE PREVENTION COMMISSIONER'S IMPORTANT ACTION.

"Has an owner of adjoining property, which is damaged by fire by reason of the neglect of the owner of the property to properly clean his chimneys and flues, a right of action at common law?" This is the question that Fire Prevention Commissioner O'Keefe of Boston put up to a firm of prominent attorneys and to which they replied, after a thorough and exhaustive study of the matter, that a property owner has a right for a suit for damages in such a case. In view of this decision Commissioner O'Keefe states that he stands ready to lend the aid and assistance of his department in every case throughout the district where a property owner can prove that his property has been damaged by fire originating through the negligence or carelessness of an adjoining property owner.

AIDING AGGRIEVED PARTIES.

"Since the recent important decision in New York," said Commissioner O'Keefe, "where it was held that a private individual is responsible and may be held liable for the expense incurred by the Fire Department in subduing a fire originating through neglect to conform to the rules of the Fire Commissioner, there has been considerable conjecture as to what might be done in a similar case in this State. There is no specific law on the Massachusetts statutes covering this point. I believe such a bill has been framed to be presented to the present legislature. However, I was satisfied in my own mind that the common law would cover such a case, but in order to make sure I put the question up to a prominent firm of lawyers. They returned a full and lengthy opinion, in which they held that the common law is sufficient to hold a party liable in such a case. Therefore there is no need of a new law on the matter, and I will give every assistance of my office to parties seeking damage for property loss where they can show proof that such loss was due to neglect or failure of an adjoining property owner to live up to the fire prevention laws.

"If persons realize, and are made acquainted with the fact, that they are liable for property damage if a fire starts through their neglect, they will be on their guard and it will all be for the general public benefit and good. I have written to every fire department chief in the metropolitan district, requesting them to hereafter report to me in detail the circumstances attending fires that originate from negligence or malice, and destroy the property of other persons. It is the intention of this department in all such cases to lend its aid to any effort to make negligent or malicious persons pay the damage occasioned to others by their negligent or malicious acts in connection with fires.

COST OF CARELESSNESS.

"The carelessness of a small percentage of the whole population is responsible each year for a great burden of fire loss. All the people pay that bill of costs, which includes fire department upkeep, expensive water pressure service and heavy insurance rates. In Boston alone the fire department is $2,000,000 annually; the total insurance premiums considerably over $4,000,000, making over $6,000,000, which is only a part of the total bill paid by the public annually. It is in your rent and in the cost of the goods you buy for your daily needs, and averages nearly $9 yearly for every member of every family.

"A most elementary principle of all government is the right of that government to protect the lives and property of the citizens. It is costing $9 per person yearly in Boston to protect or replace the costs due to fires. The recognized right and the duty of the government is to protect lives and property against attack and destruction by an outside foe, or a foe on the inside, against intentional of accidental destruction and against destruction due to negligence or carelessness. The trend of all government activities is toward protection of the public and each separate individual against the consequences of another's wrongdoing or carelessness, and we are constantly demanding new rules for safety in travel and in public assembly, and in all cases where one must surrender his safety into the keeping of another person. And we are demanding that responsibility shall be fixed on the proper individuals. The best students of the fire losses in the United States, and of the conditions of criminal carelessness, arson, negligence and faulty building construction, and other reasons for that loss, are now convinced that the public has an equal right to demand safety from fire by fixing the responsibility on those whose neglect or carelessness causes fire or spreads fire."

IMPERIAL GUARANTEE AND ACCIDENT INSURANCE COMPANY.

This company, whose tenth annual report appears on another page, continues to build up its business on conservative lines. The directors state that the establishment of the new Government workmen's compensation scheme in Ontario does not affect their business, it having never been deemed advisable to enter the field of employers' liability or workmen's compensation insurance. The Company has always confined its business to accident, sickness, fidelity, guarantee, plate glass and automobile insurance, and its persistence in those lines only has been well justified by events.

The Imperial Guarantee last year issued 13,388 policies for $33,593,513. Premium income was $298,480 and interest earnings at the higher level of $16,139, an increase during the year of $1,640.

The assets of the Company now amount to $415,274. The surplus on policyholders' account is further increased to $274,460, which together with the uncalled subscribed capital of $800,000 makes the available security for all contracts, $1,074,460.

The Imperial Guarantee and Accident is fortunate in the possession of an influential directorate, and it is strongly officered. Mr. H. C. Cox is president, and Mr. E. Willans the able general manager.

MR. OLIVER E. HURD.

Mr. Oliver E. Hurd, for many years a resident of Montreal, and a well known figure in the bond business, has accepted an important position with the firm of E. H. Rollins & Son, bond dealers, 234 Lasalle Street, Chicago, and left for that city this week to take up his new duties.

During his residence in Montreal, Mr. Hurd enjoyed the friedship of many of its influential citizens and had a large business connection throughout Canada.