

BLANK TRANSFERS OF LAND

What is the effect of a transfer of land signed by the owner in blank?

In a case recently decided by Judge Hyndman of the Alberta Supreme Court this point came up, it appearing by the evidence that A was the registered owner of a lot in Edmonton subject to two mortgages, traded the lot with B and gave him a transfer signed in blank. B then sold the lot to C and handed over the blank transfer signed by A, and C went into possession of the lot, but the transfer was never filled out nor recorded. C went overseas and, during his absence, A got a quit claim deed of the lot from B, sold it to D for \$115 less than the amount of the mortgages, paying the balance out of his own funds.

Then C informed A that he held the blank transfer, and claimed damages from A, as it was admitted that D's certificate of title was *bona fide* and could not be set aside.

The Court held that A by signing a transfer, even in blank, had no further interest in the land, and should not have done anything to interfere with the rights of an unknown purchaser who had bought relying on the blank transfer.

"I must confess the case gives rise to much difficulty," said the Judge, "and I have grave doubts as to C's right to maintain the action, but nevertheless it seems to me that A, being seized of the information contained in the letters from B, should have realized that having executed a transfer of the land, even though in blank, he had no further interest in the land and should have done nothing which would interfere with the rights of the unknown purchaser from B, notwithstanding the quit claim deed. The mortgages, of course, continued a liability against him, which induced him to act as he did, but even had the transfer been registered his liability would still remain, and I think his correct course would have been to allow the mortgages to be foreclosed in the usual way if necessary, and obtain leave to buy in at the mortgage sale. In that way any interest of an unknown purchaser might have been cut out. If this conclusion is correct then C is entitled to whatever damages he may have suffered."

Qualifications for an Insurance Brokers Licence

The Insurance Department of Pennsylvania are taking steps to ensure that all licensed insurance brokers and agents are properly qualified. The practice has hitherto been for the companies to ask for the renewal of licences of a large number of agents who control only two or three yearly renewals. The Department state that their objection to this custom is that the insurance business

is so intricate and so rapid in its changes and demands that no company can afford to licence individuals who know nothing of policy contracts and how to apply the conditions. Proper coverage demands constant study, attention to details, exhaustive knowledge of a client's business and his requirements. There can be no guess-work about it. The Department has no objection to a part-time man if he is seriously intent upon transacting the business of insurance and knows what coverage means, and if commissions are for his use and not a "contribution" to others in the nature of a rebate. The Insurance Commissioner has therefore issued questionnaires to all Brokers and Agents who have hitherto held licences, as well as to new applicants. The questions which the Broker must answer include the following:—

If you ever had an agent's license, what companies did you represent?

If not in the insurance business, what is your occupation?

What has been your occupation within the two years preceding the time of making this application?

Did you intend to devote your entire time to the Insurance business? If not, what other line will you follow?

If engaged in other business, are you applying for a licence in order to place insurance solely on your own property or on that of your employer?

Do you understand that no person can solicit insurance in this state without being licensed as an insurance agent or as broker?

Do you understand that it is illegal to rebate, to twist policies, or to misrepresent policy conditions, or to misrepresent the standing of Companies?

Do you understand that it is illegal to pay any person or share commissions with a policyholder, or any other person, who is not a licenced agent or broker?

If you now hold a licence, where is your place of business? Is it a dwelling or an office building? Does your name appear on any part of the building or on the building directory as agent, broker or underwriter?

If the licence is granted to you, where will your office be located?

What line or lines of insurance will you solicit or underwrite?

If you have already been licensed as agent or as broker by this department what total of premiums did you write during the year ending.....? Amount? How many individual risks were covered? Number?

Are you indebted, other than in regular course of business to any company or agency for premiums unpaid? Give details?

Attach to this form a memorandum sheet showing what experience you have had in underwriting?