

given to A had run out, found, when that time arrived, that A possessed nothing upon which he, B, could realize."

The listener, if an Englishman, would probably smile and remark, "ah! an illustration of Dizzy's magnificent distances over there! but it's too far off the straight line of common-sense to be true. Our visitor, feeling his veracity at stake, would offer his evidence as follows:

Within 150 miles of Toronto, in the Province of Ontario, are recorded suits against A, B and C. That against A was instituted by two brothers, a sister, and a brother-in-law; against B by a mother, a sister, and some friends, co-religionists, and against C by a mother, another relative, and co-religionist-friends, and by a singular coincidence, in these several instances of the triumph of self-interest over natural affection and religious sympathy, the same lawyer is the confidential adviser of A, B and C, and he also arranged the cases for the unnatural relatives and the uncharitable co-religionists, though another lawyer appeared *pro forma* before the Court on their behalf. Moreover, subsequent creditors, coming in at the expiration of their several credits had no remedy, for the sworn testimony which procured the judgments precluded all legal doubt, but since such judgments were not obtained through *Confession of Action*, *Warrant of Attorney* or *Cognovit Actionem*—the words used in the Statute,—the courts were debarréd.

Now, laws being the outcome of the wants of the time of their enactment are framed in accordance with the sense of morality and justice of the Legislature of the day, and this sense being a changing factor in the world's history, their amendment, consolidation, or repeal is, from time to time, a necessity; what was once a slight moral defection in time becomes a serious felony, and that for which capital punishment was awarded is now met by a few months' imprisonment, and the most charitable conclusion our visitor and his listener can draw is that we are behind the age in Canada in this matter.

Canada is situated on that belt of the globe's surface reputed to be the best suited for the development of the highest form of mental and physical vigor, and we may logically look to have the best and most equitable laws if we are the right race in the right place; and that we have had and still have every facility for arriving at such a state none will dispute. Commencing as a nation with a code of the best laws in the world, with a thorough insight into their fitness

and unfitness for a free people, and above all with the power to amend them to suit the conditions under which we might find ourselves, there is no excuse for retaining an inefficient law which will admit of a flagrant defeat of justice through immoral practices which its inefficiency invites, or for being altogether without an efficient one which will—as far as human efforts can,—make fraud difficult of accomplishment, and prevent the possibility of our courts becoming a libel upon justice.

The line of demarcation between smartness and rascality is so fine that many questionable things are done within good and perfect law, the pale of which the doers only clear by "the skin of their teeth" and experience shows this to be irremediable all over the civilized world, but the opportunities of the dishonest A, if our inquisitive visitor's story can be minimized, and the coincidences in the suits cited by him against A, B and C can be rendered less possible and probable in the future.

The very large majority of honest dealers in the Dominion would deem no misfortune in trade so dire as the loss of honor inseparable from bad faith, and the law is concerned in protecting such from the bad faith of the dishonest; otherwise, commerce must fall into an unhealthy condition, and we have a right to demand that the law shall be equal to the occasion.

The Boards of Trade busied themselves during the last twelve months in framing and promoting a Bankruptcy Bill, in the hope that something would have been done in the last session of the Dominion Parliament, and lately the Provincial Parliament of Ontario brought into force a Creditors Relief Act, but, notwithstanding this, the scandals of the past may be repeated and even surpassed in the future, and the inquisitive visitor can come and learn, and circulate *ad infinitum* the legal scandals of Canada, until some competent law which will prevent the scandals shall have been enacted. Did this state of things only render our Legislative bodies liable to the imputation contained in a verse of an old and discarded piece of what was once deemed good Scripture, "they carry themselves as wise and prudent men; and though they be fools, yet would seem to be teachers," no great harm would be done, but the actual damage to commerce generally, through a reputation for bad faith and the possibility of its display with impunity through weak and defective laws, is incalculable.

UNDER-INSURANCE.

We have already alluded to the loss entailed upon Fire Insurance Companies annually by under-insurance in this city of Montreal, and have shown that the only remedy for this evil is the application of the "average clause," in a partial form, at all events. We believe it is admitted that special hazards in Montreal have proved very unprofitable hitherto, owing to the totally inadequate rates charged for the same, and yet when those rates are raised to meet this difficulty and the owners of such property retaliate by reducing the amount of their insurance so as not to increase the actual premium paid, calculating by experience that this reduction will not involve them [the insured] in any loss except by a very extraordinary fire, the insurance companies fold their hands and bow their heads in meek submission, thus allowing the net results of the business to remain *in statu quo*. Can an association of so-called underwriters stultify themselves more completely or create a greater farce than by assembling in solemn council to rectify acknowledged abuses while they permit those abuses to remain in reality unrectified?

We confess we cannot have a high appreciation of the wisdom of those who shake their heads, Burleigh fashion, and seem to consider that the whole science of fire underwriting is contained in simply fixing rates. Ratings, we would suggest—though important—form a very small part of underwriting, and, whatever pity may be entertained for those who cannot understand the advantage of the Average Clause yet it would appear from the supineness of the Association regarding said clause that this deplorable condition is wide-spread, and unless dispelled must militate against the business of Fire Insurance in Canada. There are some, we will assume, who, though appreciating the value of the average clause, argue that the public is not prepared for so radical an innovation as its adoption at present, so that the only legitimate conclusion we can arrive at is, that it is the public's not the companies' interests which the association is legislating for. We venture to maintain that the public never will be prepared for any innovation which makes insurance more costly, it not being the public's business to see that Fire Insurance is placed upon a sound basis, and, so long as abortive attempts at reform are produced, insurers will be happy exclaiming, "let those laugh who win."