

prosperity, more especially a nation like Canada emerging from infancy and youth to maturity and full manhood. Mr. Heaton then proceeds to depict graphically the services rendered to the varied industrial and commercial interests of the country by the protection afforded by insurance, without which capital would not be supplied for harvesting, storing and shipping the crops, for moving products to distant markets, for maintaining industrial enterprises and even for enabling banks and loan companies to conduct their business with safety. From this the paper passes on to state the extent of Canadian insurance interests, the extent and importance of which were strikingly exhibited by comparisons with the statistics of banks and loan companies. The paper concludes with the expression of "an earnest hope that the drawing together of the representatives of all kinds of 'Insurance' may have most valuable and agreeable results.

The election of officers resulted as follows:

President—G. F. C. Smith (Liverpool & London & Globe). Vice-presidents—E. L. Bond (British and Foreign Marine); B. Hal Brown, F.S.S. (London & Lancashire Life). Hon. treasurer—David Burke, A. I. A., F.S.S. (Royal-Victoria Life). Hon. secretary—C. R. G. Johnston (British American). Members of council—T. B. Macaulay, F.I.A. (Sun Life); E. P. Heaton (Guardian); A. McDougald, A.I.A. (British Empire); Geo. Simpson (Royal); M. C. Hinshaw (Atlas); F. Roland (Ocean Accident); A. J. Bowles (Standard Life); H. A. Fromings (Ætna Fire); W. C. Baber (Sun Life); J. A. Pagnuolo (Western Fire).

The proceedings were enlivened with songs by Mr. E. A. Burke, Mr. J. E. Daignault, Mr. E. H. Bisset, of Brockville; Mr. Saunderson, Mr. W. H. Jackson, and musical selections and recitations by Messrs. H. Donaghue, Allan McDuff and R. O. Thick. Dr. W. H. Drummond also gave two of his charming recitations which were highly appreciated.

PART I.

CANADA—THE FORM OF ITS GOVERNMENT.

By MR. RAYMOND PREFONTAINE, M.P., K.C.,
MAYOR OF MONTREAL.

When I was first approached on the subject of delivering a short address before this Institute, although I felt very proud of the invitation to come before such an important body, I was very much disposed to ask to be excused. I really did not feel that any subject I could address you upon with advantage would be of any special value to gentlemen in your business, and I hesitated to inflict upon you an address which might not be acceptable. Consequently, I hesitated, for if there is anything I pride myself upon, it is that I always try to be thoroughly practical. I should hate to consider myself a bore. I was reflecting with the most sincere regret upon the prospect of having to decline your very kind invitation, when your Honorary Secretary, Mr. B. Hal Brown, saved the situation by suggesting that an address on the Constitution of Canada by me would be acceptable and interesting. I at once gladly took Mr. Brown's word for it, and since accepting his proposition, I have realized that

probably you, gentlemen of the insurance business, will find something to interest you, and perhaps something really useful in a short memorandum on the more salient points of the Canadian Constitution, and some facts about what we may call the governing machinery of this Canada of ours, particularly with relation to insurance legislation and business taxation. Naturally, time forbids anything like a complete exposition of this very comprehensive subject, and it is my intention to be very brief.

The simplest form of government, originally instituted in the world by the Almighty Himself, as mankind increased into families and tribes, was Patriarchal. There succeeded, among the people of history, at least, the Theocratic form of government, and it was followed by the Monarchical form. Two other forms of government have since existed in this world, viz., the Patrician and the Republican. Of all these forms of government, only two exist in the world at present—the monarchical or regal, and the republican or democratic. The form of government under which we live in Canada has been variously described as a crowned republic, a republican monarchy, and so on. I should describe it as the most popular, the most free and best form of constitutional monarchical government.

Our Constitution is primarily founded upon that of England. In it are incorporated the Common Law of England, and those great national compacts which have been entered into from time to time, modified as they have been by Acts of the Imperial and Canadian Parliaments. The English Constitution, after which ours is modelled, "comprehends," says Lord Somers, "the whole body of laws by which the people are governed, and to which, through their representatives in Parliament, every individual is presumptively held to have assented."

This colossal assemblage of laws is distinguishing from the term "government," according to the great Lord Bolingbroke, as follows: "The Constitution is the rule by which the sovereign ought to govern at all times, and the government is that machinery by which he does govern at any particular time."

The Common Law of England, I might remark here, which is incorporated in the Constitution, is an ancient collection of unwritten maxims and customs (*leges non scriptae*) of British, Saxon and Danish origin, which have prevailed in England from time immemorial. I should perhaps add a few remarks as to the great historical and fundamental compacts which are consolidated into the Constitution of England, and have had a very important part in forming the Constitution of Canada.

The Magna Charta, chiefly derived from the old Saxon Charters wrung by the English nobility from weak kings, signed by John at Runnymede, in 1215, and finally confirmed by Henry III. in 1224, secures to us personal freedom, a constitutional form of government, trial by jury, free egress and from the kingdom, and equitable and speedy justice.

The Charter of the Forests, granted by Henry III. in 1217, restricted the royal privileges and prevented kingly trespass upon private property. It was a consecration of the principle of private ownership.

The confirmation of the Great Charter, during the reign of the first Edward, in 1297, forbade the levying of taxes without the consent of Parliament. The Petition of Right, a parliamentary declaration against the execution of forced loans to the King, was assented to by Charles I. in 1627.

The *Habeas Corpus* Act, founded on the old Common Law of England, was passed in the reign of Charles II. in 1679. It compels persons in charge of a prisoner to bring his body and warrant of commitment before a judge within a specified time, so as to enquire into the legality of his arrest. The judge's writ of *Habeas Corpus* may be demanded as a right, and cannot be refused under penalty of a fine.