

April 2

PLAN WIDENING DAMAGE BASIS

Opposition to Amendment
Claims Insurance Rates
Affected

SENT TO COMMITTEE

Indication the Ontario Legislature would move toward extending the basis of damages under the Fatal Accidents Act, was given yesterday during House debate on the amendment to the Trustee Act.

Hon. Gordon Conant, Attorney-General, told the members he felt the basis of damages under the act was too narrow and might reasonably be extended, a view which was held also by Hon. Leopold Macaulay, Opposition Leader, and L. M. Frost (Cons., Victoria).

Ian Strachan (Lib., St. George), who sponsored the amendment, hinted also that when the act came before the Legal Bills Committee, he would make two suggestions, one of which would have reference to the costs of funeral expenses.

The suggestions were made entirely on the assumption that the amendment, ordered to the Legal Bills Committee for further argument, would be passed by the House.

In historical background, Mr. Strachan and other members explained that under a decision given late last year by the House of Lords on the Rose versus Ford case, bearing on an English statute comparable to the Fatal Accident Act and Trustee Act, that executors of a person killed in an accident could secure damages from the person responsible for the accident on the basis of the dead person's "expectancy of life."

The decision was held to be equally applicable to the Ontario statutes, and accordingly, damages in this Province may be based entirely upon the value of the deceased to the dependents at the time of death. The amendment which Mr. Strachan sponsored would eliminate this cause for action under the "expectancy of life" feature in the Trustee Act, or in other words, would restore the basis of actions to the condition which prevailed before the House of Lords made its decision.

He pointed out that the Lords' decision gave to the father of the girl killed in the action in question \$1,500 damages under the statute dealing with fatal accidents. Then the father, in his capacity as execu-

tor, sued for the loss of expectancy of life under the section corresponding to the Ontario Trustee Act, and received \$7,500 on behalf of the estate.

David A. Croll (Windsor-Walkerville) opposed the amendment, claiming the immediate family of an accidentally killed person was surely entitled to something because that person was deprived of his life. He suggested, too, that Frank Spence (Cons., Fort William) had "let the cat out of the bag when he said the only group interested in seeing this amendment becoming law was the insurance companies."

Mr. Macaulay revealed that prior to the argument on the bill he was inclined to oppose it, and he said he was prepared now to support it if the Attorney-General would include in the Statute Law Amendments Act legislation that would widen the Fatal Accidents Act according to such terms as might be advised by the members of the Legal Bills Committee.

Both Premier Hepburn and Mr. Conant intimated that the matter would be taken under advisement.

TORONTO BILLS' FAILURE LAID TO CITY HALL

Toronto Liberal Members
Claim Parleys Should
Have Been Held

GLASS ANSWERS DAY

Responsibility for any lack of cooperation that may have existed during this present session of the Ontario Legislature between Toronto members and the civic administration, was placed yesterday by Liberal members squarely upon the City Hall authorities.

Mayor Ralph Day, J. J. Glass, Lib., St. Andrew, reported to the House, had criticized in published statements the Toronto members in respect to their handling of Toronto legislation, had claimed they were unco-operative and had ignored invitations to meet the Board of Control in conference over legislation desired by the city.

"It is just cheap politics on the Mayor's part, it is unwarranted, gratuitous, unseemly and impudent. I don't think our constituents want us to be rubber stamps for any municipal Government and I don't think we should be castigated for refusing to do so," Mr. Glass declared in reply to Mayor Day. "The Toronto members should have been called in consultation on legislation.

Ian Strachan, Lib., St. George and Party Whip, declared that he had asked Mayor Day one month before the Legislature sat if he would call the Toronto members together and discuss with them the Toronto legislation.

"On a subsequent date I reiterated my request to include all members, because I don't think Toronto legislation is a political thing. The meeting did not transpire, and some of the legislation come to me only a week or so."

Mr. Strachan pointed out that when he introduced the Toronto bill he had suggested that the bill should be advanced to the committee stage, where proper representation could be given to its contents. Instead of that it was rejected by the House in second reading. He claimed there was something wrong with a procedure that allowed a bill to be hoisted in this fashion, and suggested a remedy might be found in sending a bill of that character directly to committee after first reading.

A. W. Roebuck, Liberal, Bellwoods and former Attorney-General, who in a recent statement before the House made outspoken criticism of the City Hall's failure to acquaint members of the legislation, declared: "I am not greatly disturbed by this little explosion of the Toronto Mayor. He is quite wrong when he says we didn't know enough about the bills. The trouble was we knew too much about some of them."

He, too, recommended there should be a pre-session conference on city legislation.