

ON THE EXPEDIENCY OF RECORDING LAW REPORTS IN
THE *JOURNAL*.

To the Editor of the Journal of the Institute of Actuaries.

SIR,—It has often been a matter of regret that, with the other valuable matter in our *Journal*, no room has been found for some record of legal decisions, often establishing precedents which it is of much consequence we should keep in view.

As an illustration of my object, I enclose the report of a case having a most important bearing on the interests of fire insurance companies, where, as you will find, it is decided that these offices are not liable for the expenses of any fire brigade supported by local rates.

Other instances, in default of fuller reports, can always be selected and reprinted from the pages of the *Law Reporter*.

I am,

Your most obedient servant,

2 King William Street, London,
14 May 1874.

H. AMBROSE SMITH.

* * We shall at all times be ready to insert short accounts of legal decisions that are likely to interest our readers.—ED. *J.I.A.*

DRIGHLINGTON LOCAL BOARD *v.* BOWER.

On the 5th March 1872, a fire occurred in a mill insured, and the account sent in by the Drighlington Local Board for extinction expenses amounted to £42. 4s. 6d. In this account £10. 10s. was charged for water and £25. 4s. for apparatus; and as the insurance company refused to pay into Court beyond £5 for the use of such apparatus, an action was entered in the County Court of Bradford, and resulted in the judge declining to decide the question as to whether the Local Board had the right to charge for the use of the apparatus and for water supplied. The question at issue being of importance, it was determined to obtain the opinion of the Superior Court, and accordingly the case came before Lord Chief Baron Kelly, Mr. Baron Bramwell, Mr. Baron Pigott, and Mr. Baron Pollock, in the Court of Exchequer at Westminster, on the 24th November 1873, and without hearing Counsel for the company, the cause was decided in its favour.

In giving judgment the Lord Chief Baron said: "I am of opinion that the rule to enter the verdict for the defendants in this case must be made absolute." He then commented upon the Acts of Parliament empowering Local Boards to purchase apparatus for the extinguishing of fires, and to levy a rate for the maintenance of the same, and gave it as his opinion that if the Legislature had intended that Local Boards should be entitled to any remuneration for services rendered to any of the inhabitants who contributed to the rate, there would have been an express provision to that effect; but as no such provision exists, they cannot claim. He also stated that the County Court Judge ought to have directed a verdict for the defendants on the whole case.

Mr. Baron Bramwell said: "I think it about as plain a case as

ever was," and considered that "the Local Board had a duty to perform towards the public, and that common property should be applied in extinguishing fires."

Mr. Baron Pigott said: "I also think it a very clear case, that no provision is made in the Acts for remuneration to be made for the extinction of fires within the districts of Local Boards, simply because it is to be done at the joint expense of the ratepayers, for the benefit of all. The Board had no power to charge."

Mr. Baron Pollock: "I agree that this action is not maintainable. It is admitted there is no express contract; and for us to say there is an implied one, would be contrary to the provisions of the Act and to principle."
