

by R.S.O., c. 167, certain statutory conditions form part of every contract of fire insurance. In the scheme of insurance law, the contracts of fraternal societies occupied an anomalous position. How far a society certificate was a contract of insurance, whether the society had the authority of law to undertake the contract, whether the beneficiary could recover by action—these and kindred questions were incapable of off-hand answers, but awaited, generally, the construction of the court. Indeed, it was not until the decision in *Swift v. The Provincial Provident*, 17 A.R. 66, that the status of an insurance corporation was awarded to a society incorporated under the Benevolent Societies Act (R.S.O., 1877, c. 167), and it was more than doubtful whether a similar status could have been acquired by a society incorporated under the same Act subsequent to the revision of 1887. It was therefore urgent that the powers and obligations of fraternal insurance societies should receive statutory definition.

The exclusive jurisdiction of the Province over the contract also necessitated a revision of the relation of licensees under the Dominion Act to the Province. The Parliament of Canada has the undoubted right to incorporate companies with insurance powers; equally clear is the right of the Legislature of Ontario to prescribe the terms and conditions under which such powers may be exercised within the Province, and it may be that the provisions of the Dominion legislation regarding the contract are *ultra vires*. Thus s. 22 of the Insurance Act of Canada prohibits unlicensed persons in the Provinces from exercising their civil rights in undertaking contracts of insurance, and any exercise of such civil rights by an unlicensed person is made punishable by fine and imprisonment. To effectuate this prohibition it is clear from the cases that Provincial legislation is necessary. The Insurance Corporations Act, 1892, is a comprehensive enactment to unify the law of Ontario relating to insurance. All insurance corporations transacting business in the Province are brought under the control of the Provincial department. After the first day of January next the right of any insurer whatever to undertake contracts of insurance, or in the nature of insurance, within the Province, is made to depend upon registry with the Provincial department. Continuance of registry depends upon compliance with the Ontario statute. This Act, therefore, makes an era in insurance law.

Mr. Hunter's edition of this difficult and but imperfectly understood, although comprehensive Act is a timely one, and the numerous and important sections have received careful consideration and a wealth of illustration. The author has not confined his work to annotations on the clauses, but has so fully dealt with his subject that the result is a compendious treatise on the present law of insurance in Ontario. The author is in the fortunate position of being able to know the *raison d'être* of many of the clauses of the new Act, and is entitled to great credit for the promptness with which his work has been brought out. We prefer to see the names of cases printed in italics, but the general get-up of the volume is good.