PECULIARITIES OF LIFE INSURANCE LAW.

The question of construing those sections of the Act to secure to wives and children the benefit of life insurance on the lives of their husbands and parents, R.S.O., c. 136, relating to the declaring or apportioning insurance moneys whether by an Act *inter vivos* or by will, has recently presented itself on several occasions for judicial consideration. The Legislature in its wisdom has from time to time authorized such amendments in the original Act as appeared necessary for its more effective working, and for the purpose of meeting the requirements which public opinion dictated, and which the working of the statute appeared to render necessary for carrying into effect the intention of the original framers of this protective enactment. One of the more recent amendments to the statute in question which engrossed the attention of the learned Chancellor in *Re Lynn* v. *The Toronto General Trusts Company*, 20 Ont. Rep. 475, and *Beam* v. *Beam*, 24 Ont. Rep. 189, was the provision enabling the assured under section 5 of the statute by any writing identifying the policy by its number or otherwise to make a declaration that the policy shall be for the benefit of his wife or of his wife and children, or any of them.

In the two cases referred to, which came before the same learned judge, the Chancellor laid down the proposition that such a declaration as is contemplated by the statute may be made by will, or, in other words, that the assured may by a revocable instrument (inasmuch as the will may be revoked) make a disposition of the insurance money, and by identifying the policy in a written document comply with the letter of the statute, although it is doubtful whether it is satisfying the spirit of the Act.

It is submitted with great respect that the view taken by the learned Chancellor, in holding that because a will is an instrument in writing and identifies by name the principal insurance it comes within the meaning of the statute, is much too narrow, and is losing sight of the intention of the Legislature in granting this boon to assurers, and that the construction placed upon it in the more recent case of *McKibbon* v. *Fegan*, 21 A.R., page 93, by Mr. Justice Osler seems much more reasonable, and more in accordance with the view of the Legislature in the earlier enactments providing that a man shall not be allowed to effect