

HON. MR. JUSTICE MIDDLETON:—This unfortunate lady has not been declared a lunatic; and I am of opinion that the statute relating to lunatics—9 Edw. VII., ch. 37—does not give the Court any authority over lunatics or their estates unless and until an order has been made by the Court declaring insanity.

By the statute relating to public lunatic asylums, R. S. O. (1897), ch. 317, sec. 53, the Inspector of Prisons and Public Charities is *ex officio* the Committee of every lunatic who has no other committee; but I do not think that this brings him under the jurisdiction of the Court over the committees of lunatics conferred by 9 Edw. VII., ch. 37. The committee there referred to is not the statutory committee, but the committee appointed by the Court.

The Court, therefore, has no jurisdiction in the premises; but I trust it may be found that the very wide powers conferred upon the statutory committee by the Revised Statute may be found wide enough to authorize his approval of what appears to be a very reasonable arrangement.

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HON. MR. JUSTICE SUTHERLAND.

NOVEMBER 15TH, 1912.

RE STEWART.

4 O. W. N. 293.

*Insurance—Life—Designation of Beneficiary—Will—“All my Insurance Policies”—Identification—Change of Beneficiary—2 Geo. V., ch. 33, secs. 247, 170, and 171—R. S. O. (1897), ch. 203, sec. 160—Retroactivity—Date of Statute—Vesting of Interest.*

Application by executors for advice as to the disposition of certain moneys received under insurance policies upon the life of the deceased. The policies in question were made payable to his wife, and by his will he devised and bequeathed all his “real and personal estate including my life insurance policies” to his executors, to form a fund to be distributed amongst certain objects named in the will, including his wife. In addition to the policies in question, there were certain other policies payable to his estate. On behalf of those opposed in interest to the widow, it was argued that 2 Geo. V., ch. 33, was applicable, and that by sub-secs. 3 and 5 of sec. 171, of such Act, the law previously in force was altered, and that the will contained such a designation of the beneficiary as to alter the designation contained in the policy.

SUTHERLAND, J., *held*, that as secs. 170 and 171 of the statute 2 Geo. V., ch. 33, did not come into operation until August 1st, 1912, whereas the testator died on May 25th, 1912, they had no retroactive effect, and did not apply.

Craies' Statute Law, pp. 351, 352, 357, and 367, and other authorities, referred to.

That there had not been such a designation in the will as would alter the designation in the insurance policies.

*In re Cochrane*, 16 O. L. R. 328, followed.

Costs to all parties out of estate.