

a life interest in the proceeds—the corpus not being in terms disposed of. But the deceased created a fund in part composed of these insurance moneys, and disposed of a life interest in it—adding, “all the rest . . . I give to my daughter. . . .”

Reference to *Re Edwards* (1910), 22 O.L.R. 367.

The declaration by the will was effective to change the beneficiary, so that, had the wife survived, she would have taken for life, and the corpus would have gone to the daughter.

The codicil at most revoked the trust for life of the proceeds of the policies without affecting any other disposition or the rights of any other person.

The attempt of the testator to charge the insurance fund with the payment of incumbrances was wholly ineffective.

The estate of the wife was entitled to the two policies (1) and (4); the daughter was entitled to the other four, without diminution to pay incumbrances.

The case does not come under sec. 178 (7), as the beneficiary who predeceased the testator had only a life estate.

Of the policies belonging to the estate of the wife, the estate of the husband will be entitled to his proportionate part.

Costs of all parties to be paid out of the proceeds of the four policies.

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MULOCK, C.J.Ex., IN CHAMBERS.

MARCH 10TH, 1916.

RE TOWNSHIP OF MIDDLETON AND TOWNSHIP OF  
DEREHAM.

*Municipal Corporations—Highway—Boundary-line between Townships—Original Road Allowance—Deviation—Cost of Opening up and Maintaining Original Allowance—Arbitration—Order of Ontario Railway and Municipal Board.*

Motion on behalf of the Corporation of the Township of Dereham for an order appointing an arbitrator to settle differences which had arisen between the two township corporations.

W. Lawr, for the applicant corporation.

V. A. Sinclair, for the respondent corporation.

MULOCK, C.J.Ex., read a judgment in which he said that Dereham sought to compel Middleton to pay a portion of the cost of opening up and maintaining what was originally a part of the boundary-line road allowance between the counties of Oxford and Norfolk, and to that end was endeavouring to have the matter referred to arbitration under the Municipal Act.