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TEETZEL, J.

JUNE 22ND, 1906.

CHAMBERS.

RE HENDERSON AND CANADIAN ORDER OF ODD-FELLOWS.

Life Insurance—Wife of Assured Designated as Sole Beneficiary—Death of Wife during Lifetime of Assured—Failure to Make New Designation—Children Entitled in Equal Shares.

Application by the adult children of one Henderson, deceased, for payment out of Court of their shares of a sum paid into Court by the above named Order, being the proceeds of an insurance on the life of the deceased.

W. E. Middleton, for the applicants.

F. W. Harcourt, for the infant children.

S. G. McKay, Woodstock, for Mrs. Beaumont.

TEETZEL, J. :—The wife of the assured having been designated by him sole beneficiary, and having died during his lifetime, and he not having made any further declaration respecting the benefits under the policy, the children of the assured are entitled to the money in equal shares, under subsec. 8 of sec. 159 of R. S. O. ch. 203, as enacted by sec. 7 of 4 Edw. VII. ch. 15. The contention that this section does not apply where there was only one beneficiary originally named, who dies in the lifetime of the assured, cannot be upheld. While the affidavit of Mrs. Beaumont does not disclose any agreement binding upon the adult children for a