

dependent Order of Foresters, being the amount due under a benefit certificate issued by the Order on 5th April, 1892, to John A. Marshall, to whom on the face of the certificate the amount was payable.

By an indorsement on the certificate dated 12th May, 1892, the insured designated his wife, Anna V. Marshall, and his 3 children, Lena, Ella, and Eva, as the beneficiaries, each being entitled to receive \$750 of the insurance moneys.

On 30th January, 1899, the wife and 3 daughters signed a document requesting that the beneficiaries be changed from themselves to the executors and administrators of the insured, and the latter made an application to the Order for a change, stating: "I designate as my beneficiaries in the new policy the following, viz., to my executors and administrators for my wife and children in such proportion as set forth in my will."

Section 251 of the laws of the Order provided that on receipt of an application for change of beneficiary, together with the benefit certificate, if approved by the Supreme Chief Ranger or by the executive council, the Supreme Chief Secretary shall incorporate in the benefit certificate the changes desired.

The application and certificate and the fee of 50 cents required for change of policy were received by the local court of the Order of which the insured was a member, for transmission to the Supreme Court at Toronto.

The designation on the back of the original certificate had written across it, apparently by some officer of the local court, "This designation is revoked March 21, 1899." But the direction in the application for change to the new beneficiaries mentioned therein did not appear to have been acted upon by the Supreme Court.

The application for change of beneficiaries was signed by the insured, and the policy was identified by inserting therein its number.

The insured died on 31st May, 1904, leaving a will, which is set out in the judgment of STREET, J., ante 404, upon an application with respect to another insurance upon the life of the same person.

W. S. Morden, Belleville, for executor.

W. B. Northrup, K.C., for widow and three children.

E. D. Armour, K.C., for Herbert E. Marshall.

F. W. Harcourt, for infants.