- 21. Beneficiary's interest in the fund, contingent merely.
- 22. "Legal heirs," who are.
- 23. Return of premiums to beneficiary found not to be entitled to the insurance moneys.
- 24. Application of the fund where the assured person is murdered by the beneficiary.
- 25. Right of appointment, how far within the Succession Duty Act.
- VI. FIDUCIARY CONTROL OF THE TRUST FUND AFTER THE SETTLOR'S DEATH.
- 26. Generally.
- 27. Security, when required from trustees.
- Discretion of the trusters as to the disposition of the policy moneys.
- 29. Designation of executors as payees of the policy moneys, result of.
- 1. Introductory.—The practice of employing life insurance policies as a medium for setting apart a fund for the support of dependent relatives is so widespread that the construction of the statutes by which trusts of this description are regulated is a matter of special interest and importance, not merely to the legal profession, but to every member of the community. It is hoped, therefore, that an analysis and collation of all the reported English and Canadian decisions with regard to this kind of legislation will be acceptable to our readers. In the following discussion no notice will be taken, except incidentally, of any cases except those in which the effect of the statutes themselves was directly in question. For information as to the rights of beneficiaries of policies, in so far as such rights are determined by the general doctrines of insurance law, or by the rules of the insurers, the various standard treatises may be consulted. The scope of the article, as well as the limited space available, will also preclude our commenting upon any statutory provisions, except those which have become the subject of litigation.

1. GENERAL PRINCIPLES.

2. Object and effect of the statutes as a whole.—The broad principle which the legislature has sanctioned by the Acts with which we are concerned is "that a man may provide for his wife and children at the possible expense of his creditors, and may devote his earnings to keep up insurances which are unassailable