

RE MCFARLANE AND ORDER OF CANADIAN HOME CIRCLES—MIDDLETON, J., IN CHAMBERS—SEPT. 26.

Life Insurance — Payment of Insurance Money into Court — Order for Payment out to Widow—Application to Vacate Order —Necessity for Personal Consent of Widow.—By a beneficiary certificate of the above-named benevolent society, insurance money was payable to the wife of the assured. After its date the then wife died, and the assured married again. After the second marriage, he directed the money to be paid to his son William Henry McFarlane. William Henry McFarlane was not the son of the assured; he claimed to be an adopted son. Although an adopted son is not within the the preferred class, McFarlane claimed the money. The society paid the money into Court, and the widow moved for payment out to her. LATCHFORD, J., regarding the widow's claim as clear, made an order for payment out to her. Counsel representing the society and the widow now said that the society was mistaken in paying the money into Court, the policy being a New Brunswick policy, and both claimants residing in New Brunswick; it was also said that McFarlane intended to take proceedings in New Brunswick against the society; and an order was asked for vacating the former order and directing re-payment of the money to the society, so that it might pay the money into the New Brunswick Court. MIDDLETON, J., said that it appeared to him that the money, having been paid into Court and having been adjudged here to be the property of the widow, ought not to be repaid to the society without the personal consent of the widow, with an affidavit of execution shewing that the consent was read over and explained to her, and that she understood its nature and effect. J. E. Jones, for the society and the widow.

CORRECTION.

In BASSI v. SULLIVAN, ante 38, in a quotation from the judgment of Sir William Scott, *The Hoop* (1799), 1 C. Rob. 196, the last word (p. 40, line 15) should be "*exlex*" not "*ex lex*" as printed. "*Exlex*" is an adjective, "beyond the law, bound by no law, lawless (rare, but quite classical)." See Andrews' Latin-English Lexicon, sub verb. (Courtesy of Sir Glenholme Falconbridge, Chief Justice of the King's Bench.)