

Frank McCarthy, for the applicants.
 Featherston Aylesworth, for the town corporation.

MIDDLETON, J.:—I can find no authority for such a motion, even regarding it as a motion to remove Mr. Weir from the position of arbitrator.

Section 13 of the Arbitration Act, 9 Edw. VII. ch. 35, gives the Court power to remove an arbitrator who "has misconducted himself." An award may be set aside not only for misconduct of the arbitrator, but also for bias, but bias does not furnish a ground for removal under the statute. The only thing alleged as constituting disqualification is the fact that Mr. Weir is a school trustee.

Section 457 of the Municipal Act provides for the statutory disqualification of any "member, officer or person in the employment of any corporation which is concerned or interested in any arbitration." A ratepayer is by a proviso declared not to be thereby disqualified.

I do not think a member of the school board is a member or officer of the corporation. He is elected by the vote of the public school supporters to administer the affairs of the public schools, but takes no part in the affairs of the corporation. The school board has no interest in the finances of the town; it can require the municipal corporation to levy for it the money it requires; but this cannot create any bias.

In either aspect the motion fails, and is dismissed with costs.

MIDDLETON, J., IN CHAMBERS.

OCTOBER 17TH, 1911.

RE CUNNINGHAM AND CANADIAN HOME CIRCLES.

Life Insurance—Designation in Favour of Wife Indorsed on Policy—Request to Issue Policy in Favour of Wife—Trust Created under Insurance Act—Incomplete Instrument—Expression of Intention.

Motion by the widow of the assured for payment out of Court of the proceeds of a policy upon the life of the assured.

C. Elliott, for the applicant.
 J. R. Meredith, for the infants.