

The applicants contend that there was a valid trust declared by the will, which enures to their benefit, and which is not affected by the will having been revoked by reason of the said marriage.

It is not suggested that any of the exceptions mentioned under sec. 20 apply to the present case. On the other hand, it is submitted on behalf of the widow and the other children: (1) that the will did not sufficiently identify the policy, within sec. 160 of R. S. O. ch. 203; (2) that the policy is not identified by number or otherwise.

The wording here is certainly very general, but, the fact being admitted that the policy in question existed at the time, and was the only policy of insurance upon the life of the deceased, either then or subsequent thereto until his death, there can be no doubt, I think, that the testator, at all events, referred to the policy in question, and, having regard to the facts, that there could be no question as to what policy he did refer to.

The applicants relied upon *Re Cheesborough*, 30 O.R. 639, and *Re Harkness*, 8 O. L. R. 720, 4 O. W. R. 533. The wording of the will in the *Cheesborough* case was, "all my property, real and personal, and including life insurance policies and certificates." *Ferguson, J.*, was of opinion that, though not identified by number, the policies were "otherwise identified when all the policies are given. The policies that are meant seem to me to be made entirely certain in this way, and no room for doubt, error, or mistake is left remaining."

In *Re Harkness* the words were, "I give the residue of my property, including life insurance, to my wife," etc. *Teetzel, J.*, held that the will sufficiently identified the policy within sec. 160 of the Insurance Act.

Counsel for the respondents, however, argued that the effect of the recent decision in *Re Cochrane*, 16 O. L. R. 328, 11 O. W. R. 956, is to modify or to overrule the earlier decisions. I do not think so. In the *Cochrane* case the assured, being the holder of a beneficiary certificate in a benevolent society, made payable to his wife, by his will bequeathed "out of my life insurance funds the sum of \$200 to my sister, and all the rest and residue and remainder of my insurance funds to my daughter;" and it was held that this did not sufficiently identify the beneficiary certificate above mentioned; that is, the beneficiary certificate made payable to his wife. The Chancellor, while not disagreeing