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HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B.

MARCH 6TH, 1916.

*RE COLE.

Insurance—Life Insurance—Contracts Made with Wife of Assured—Absolute Property of Wife—Insurance Act, R.S.O. 1914 ch. 183, secs. 169, 171, 178—Contracts for Benefit of Wife—Will of Deceased—Change of Beneficiary within Preferred Class—Life Interest—Remainder—Effective Designation—Sec. 171 (5)—Codicil—Effect of—Predecease of Wife—Payment of Incumbrances—Costs.

Motion by William H. Dingle, executor of Wilmot H. Cole, deceased, and by Cordelia E. Dingle, daughter of the deceased and administratrix of the estate of her mother, also deceased, for an order determining certain questions arising upon the will and codicil of Wilmot H. Cole, in regard to certain policies of life insurance.

The testator died on the 13th December, 1915; his wife predeceased him, dying on the 9th October, 1915. The daughter, Cordelia E. Dingle, a son, George M. Cole, and a son of a deceased son, survived.

There were six policies: (1) a policy for \$1,000, dated the 6th January, 1864, effected by the testator's wife on the life of her husband; (2) a policy for \$2,000, dated the 21st February, 1871, effected by the testator on his own life for the benefit of his wife; (3) a policy for \$5,000, dated the 15th September, 1874, by the testator on his own life for the benefit of his wife; (4) a policy for \$2,000, dated the 31st December, 1868, by the testator for the benefit of his wife; in this policy the insurance company "promise and agree to and with the said assured, her executors . . . to pay to the said assured, her executors . . . the sum insured;" (5) a benefit certificate for \$500, dated the 23rd December, 1883, whereby the benefit society agreed to pay to the wife or her heirs or assigns; but it ap-

*This case and all others so marked to be reported in the Ontario Law Reports.