

CLUTE, J.

JANUARY 29TH, 1909.

WEEKLY COURT.

RE WATTERS.

Life Insurance—Policy Payable to Legal Representatives or Assigns of Insured—Designation of Beneficiaries by Will — Insurance Act, sec. 160 — Identification of Policy — Sufficiency — Revocation of Will by Second Marriage — Effect of.

Application under Rule 938, by Jessie Anderson and Agnes West, daughters of James H. Watters, deceased, for an order declaring that the proceeds of policy No. 5420 on the life of the deceased, in the hands of the administrator of his estate, was the property of and should be paid over to the applicants.

Grayson Smith, for the applicants.

C. W. Kerr, for the administrator and for Jane Watters, the widow, and William Johnston Watters, a son, of deceased.

C. A. Moss, for Thomas Watters, a son of deceased.

CLUTE, J.:—In 1888 the intestate, James H. Watters, insured his life for the benefit of himself and his legal representatives and assigns. On 6th December, 1893, the deceased made his will, which contained the following clauses:—

“I bequeath to my daughter Jessie Anderson (one of the applicants), wife of George Anderson, . . . the sum of \$1,000, to be paid out of the insurance moneys on my life, at my decease.

“I bequeath to my daughter Agnes West (the other applicant), wife of William West . . . the sum of \$1,000, to be paid out of the insurance moneys on my life, at my decease.”

The policy of insurance the proceeds of which are now in the hands of the administrator is the only policy of insurance effected on the life of the deceased at the time the will was made or since.

In 1902 the deceased married again, the will being thereby revoked under sec. 20 of the Wills Act.