

Province of Ontario.
HIGH COURT OF JUSTICE.

Falconbridge, J.]

RACHER v. PEW.

[Jan. 5.]

Life insurance—Benefit certificate—Wife and children—Reapportionment by will—Revocation of trust—Validity.

By the rules of a benefit society, the money secured by certificate was payable upon the death of a member to his widow and children; but in this case the member, by a codicil to his will made shortly before his death, which occurred in October, 1886, directed that the moneys payable upon his certificate, which was issued in February, 1884, should be used by his widow to pay off the mortgage upon his farm. The money was paid to the widow, and she used it as directed, giving the plaintiff, a daughter of the deceased, the benefit of maintenance on the farm until she married, at the age of nineteen. The plaintiff claimed her share, alleging a trust in her favour which could not be revoked by the codicil.

Held, following *Videau v. Westover*, 34 C.L.J. 162, 29 O.R. 1, that the provision made by the codicil was an apportionment of the fund which the deceased had power to make.

W. Kingston, Q.C., for plaintiff. *Pepler*, Q.C., and *John Dickinson*, for defendant

Divisional Court.]

RE PARKE.

[Feb. 13.]

Municipal corporations—Nomination of candidate—Keeping open poll after lapse of hour—R.S.O., c. 223, s. 128.

The provision in s-s. 2 of s. 120 of the Municipal Act, which provides for the closing of the meeting for the nomination of candidates for municipal offices after the lapse of one hour only, applies where no more than one candidate is proposed, s-s. 3 applying where more than one candidate is proposed, in which case no time limit is imposed.

W. H. Bartram, for the plaintiff. No one contra.

Divisional Court.]

RE THURESSON.

[Feb. 14.]

Real Property Act—Future estates—Deed of appointment—Statute of limitations.

On the 20th October, 1870, the plaintiff's testator purchased certain lands, and procured a deed to be made to the grantees named therein, to hold such uses as he should by deed or will appoint; and in default of such appointment, and so far as such appointment should not extend, to the use of the said grantees, their heirs and assigns. He put his mother in possession of the land, and she continued in possession up to the time of her death, which occurred on the 21st July, 1878, the defendants, her two daughters, having resided with her, and after her death the defendants con-