

as open to doubt, then by reference to the will as a whole the reasonable meaning to be given to it is the same.

Thus interpreted, the result is to entitle the widow every quarter to a quarter of such sum as the executors may "reasonably expect" the estate to produce per annum after first paying to the sisters \$25 each per quarter. . . .

Costs of all parties will be out of the fund.

RE BROTHERHOOD OF RAILWAY TRAINMEN AND MOORE—LENNOX,
J.—MARCH 15.

Life Insurance—Benefit Certificate—Designation of Beneficiary—Alteration after Marriage—Mental Competency of Assured—Trial of Issue—Finding of Fact—Apportionment of Insurance Moneys.]—Patrick Moore, while an unmarried man, insured with the Brotherhood of Railway Trainmen, for \$1,500, and the certificate issued to him provided for payment of the benefit to his mother, the claimant Bridget Moore. He afterwards married, and died on the 28th May, 1913, leaving him surviving his widow, Celina Moore, and an only child, Harold Moore, the other two claimants. On the 28th November, 1912, Patrick Moore, as he was authorised to do under the laws and constitution of the insurance society, executed an assignment of the \$1,500, apportioning it between his wife and son—\$1,000 to his wife and \$500 to his son. The society, by their constitution, had the right to expend a sum not exceeding \$150 for funeral and burial expenses, and deduct it from the moneys payable under the benefit certificate; and they expended in that way \$132.50, leaving in their hands a balance of \$1,367.50 to be paid to the person or persons entitled. Bridget Moore disputed the right of the wife and child to the moneys which the deceased purported to assign to them, mainly upon the ground that Patrick Moore, at the time he executed the assignment, was suffering from paresis and unable to understand the disposition he purported to make of the money. The society applied for an interpleader issue to determine to whom they should pay, and an issue was directed to be tried, and was tried before LENNOX, J., without a jury at Ottawa on the 13th March, 1915, and judgment was reserved. The learned Judge wrote a short opinion, in which he set out the above facts, and proceeded to say that the disposition made by the deceased was an eminently proper one for him to make. He was certainly in poor health. His faculties were somewhat impaired, and at times, perhaps, he would not have been able to grasp and deal with an involved and difficult