

having been paid to the executors of the estate, and the widow, and amounting to \$13,288.12?"

R. S. Cassels, for the executors.

C. J. Holman, K.C., for the widow.

J. R. Meredith, for the infants.

HON. MR. JUSTICE SUTHERLAND:—It is admitted that if the law were still as it was before the passage of the Ontario Insurance Act (1912), 2 Geo. V., ch. 33, the widow would be entitled to receive the moneys. In *Re Cochrane*, 16 O. L. R. 328. It is suggested on the authority of *Re Dicks*, 18 O. L. R. 657, that regard should be had to the law as it stood at the date of the will and not at the date of the death of the testator. Section 247 of the said Act is as follows:—

"247. Sections 162 to 201 of this Act shall come into force on the 1st day of August, 1912, and the remaining sections of this Act shall come into force forthwith."

Included, therefore, in the sections which did not come into force until the 1st August, 1912, is a new section, numbered 170, which is as follows:—

"170. Except in so far as the same are inconsistent with the provisions of this Act relating to contracts made or declared to be for the benefit of a preferred beneficiary or preferred beneficiaries, sections 171 to 182, shall apply to all contracts of insurance of the person and declarations whether made before or after the passing of this Act."

Sub-sections 3 and 5 of section 171, of said Act, are as follows:—

"(3) The assured may designate the beneficiary by the contract of insurance or by an instrument in writing attached to or endorsed on it or by an instrument in writing, including a will, otherwise in any identifying the contract, and may by the contract or any such instrument, and whether the insurance money has or has not been already appointed or apportioned, from time to time appoint or apportion the same, or alter or revoke the benefits, or add or substitute new beneficiaries, or divert the insurance money wholly or in part to himself or his estate, but not so as to alter or divert the benefit, or any person who is a beneficiary for value, nor so as to alter or divert the benefit of a person who is of the class of preferred beneficiaries to a person not of that class or to the assured himself, or to his estate."