

a designation to some third person and after that a designation to the father again.

That contention the learned Chief Justice could not consider seriously. If it was to be held that the law required such useless, for any sensible purposes, "circumlocution," some other Court must put the stigma upon it.

If the "assignment" to the wife—assuming the interest of the father, a changeable beneficiary only, to have been assignable, without considering the point—though really in effect but a secondary designation, was an assignment or declaration of trust for value, effect should now be given to it, not because the second designation was invalid, but because equity would attach to the fund again in the father's hand for his own benefit the right of the wife in it previously acquired for value.

An order might now be taken out for payment of the money in question into Court, as sought, by the insurance company; and, should no appeal against the Chief Justice's ruling as to the right to the money be taken within 30 days, an order might then be taken out for payment out of Court of the money to the father of the insured, less the costs of all parties to this motion, to be paid to them respectively.

MIDDLETON, J.

DECEMBER 23RD, 1918.

RE ROBB.

*Will—Construction—Effect of Codicil—Revocation of Gifts Made by Will—Substituted Residuary Clause—Devise—Estate of Devisee—Fee Simple—Gift of Income for Limited Period.*

Motion by the Toronto General Trusts Corporation, executors of George C. Robb, deceased, for an order determining certain questions as to the construction of his will arising in the administration of his estate.

The material parts of the will were as follows:—

"I give devise and bequeath my life insurance to my wife.

"I give devise and bequeath to my daughter Sophia L. J. the sum of one thousand dollars and to my son Alexander M. the sum of one thousand dollars and the vacant lots on St. Clair Ave. and Kendal Ave.

"To my wife and to my daughter Sophia L. J. during their joint lives and to the survivor of them I give devise and bequeath the house and property known as No. 239 St. Clair Avenue including the furniture and other contents of said house as are legally mine.

"To my son Alfred P. I give devise and bequeath the property in the town of Kerrville in the County of Kerr State of Texas.