was wrong, could I make an order setting aside his appointment, and so, indirectly, but not the less effectually, prohibit him from going on with the reference. . . .

Motion dismissed without costs.

STREET, J.   MARCH 9TH, 1905.

CHAMBERS.

RE MARSHALL.

Insurance—Life—Benefit Certificate—Apportionment among Children—Will.

Application by executor of the will of John A. Marshall, deceased, for an order under Rule 938 determining the persons entitled to a sum of $2,000 payable under a beneficiary certificate of the Ancient Order of United Workmen issued to the deceased.

W. S. Morden, Belleville, for the executor.

W. B. Northrup, K.C., for certain beneficiaries.

E. D. Armour, K.C., for Herbert E. Marshall.

F. W. Harcourt, for infants.

STREET, J.—The certificate was issued on 11th February, 1892, and upon its face declared that John A. Marshall, to whom it was issued, had designated three of his children, Helena, Ella, and Eva, as the beneficiaries. Afterwards on 27th January, 1899, he revoked this designation, by indorsement on the certificate, and directed payment to be made to the executor or executors named in his will, as trustees for his children, in such shares and proportions as in his said will set forth.

The testator died on 31st May, 1904, leaving a will dated 30th May, 1904, by which he appointed his widow and his son Oliver to be executrix and executor. The material clauses of the will are the following:—

3. To my wife, Anna Victoria Marshall, I give, devise, and bequeath the income of all my real and personal property of every kind whatever during the time that she remains my widow, after which time it shall be divided equally between all my children, except that $1,000 shall be given to my son Oliver Marshall to be divided between said Oliver Marshall and my son Herbert Marshall, as Oliver thinks best and directs, that is to say, Oliver shall be guardian of Herbert's share and Oliver shall get (4) possession of the said $1,000 at any time in agreement to pay or secure the interest at 4