

jurisdiction to express its approval and that under the circumstances it was a case in which the jurisdiction ought to be exercised.

*W. H. Blake*, for trustees. *Dr. Hoskin*, Q. C., for infant. No one for widow.

Meredith, J.]

Book v. Book.

[August 29.

*Life insurance—Change of beneficiary—Preferred class—Beneficiary for value—R.S.O. c. 203, ss. 151, 159, 160—Will—Testamentary capacity—Premiums paid by beneficiary.*

A person whose life was insured by a benevolent society in favour of his wife, a preferred beneficiary, though not stated to be so in the certificate, was unable or unwilling to keep the insurance in force, and the later assessments, before his death, were paid by the wife. By his will the assured gave the whole of the insurance money to one of his sons.

*Held*, that he had power to do so by virtue of s. 160 of the Ontario Insurance Act, R.S.O. c. 203.

The proviso at the end of sub-s. (2) shews that the section is applicable to the case of a beneficiary for value, and that those only who appear as such expressly in the policy are protected against the wide power to change beneficiaries conferred by the section.

Section 159 does not apply to a case of this kind, but only to a pledge of a policy before it has been declared to be for the benefit of any preferred beneficiary.

Section 151 is not to be read as conflicting with s. 160; the latter applies to a change confined to the class of preferred beneficiaries, and the former to a change in all other cases.

*Held*, also, that the evidence did not sustain the allegation that the testator's mind was affected by insane delusions respecting his wife and some of his children; nor the theory that there was an abandonment of the husband's insurance on his own life and the substitution of an insurance by the wife upon his life. It was conceded that the wife should have a return of all moneys paid by her to keep the certificate in force, with interest.

*Teetzel*, Q. C., for plaintiff. *W. W. Osborne*, for defendants.

Meredith, J.]

BOGART v. TOWNSHIP OF KING.

[August 29.

*Assessment and taxes—Special rate—Bonus by-law—Duty of clerk—Collector's roll—Debentures, sale of—Failure of scheme.*

Where a by-law of a township corporation provided for the raising by the issue and sale of debentures of a certain sum to be paid by way of bonus to a railway company, and for the levying of an annual rate for the purpose of paying the debentures.