

Kerr brought them on this argument, and was willing that I should examine them, as was done in the Cutten case. They were left with me for that purpose, and, after consideration, I have thought it right so to do. It would clearly be unfair at this stage to give any information of the contents of these documents, and I will only say that I again refer to Rule 312 as stating the guiding principle in all litigation under our present system to be this: so to act as "to secure the giving of judgment according to the very right and justice of the case." Here it is necessary to determine where the contracts sued on were made. That must depend on the authority of Messrs. Henderson and Pratt, as was conceded on the argument; and that will be evidenced by the two agreements in question, or may be so. They should, therefore be produced. But they both contain a clause making them strictly confidential. This, no doubt, refers to the terms of commission, which are not material. It will, therefore, be sufficient if copies of the printed part are produced, omitting the schedule in clause 9 of each of the agreements, which were both made on 1st February, 1905, and before the issue of either of the policies sued on.

The costs of the motion will be in the cause, as the point is not self-evident.

The deceased admittedly resided at Montreal, and the policies were applied for and received by him there, though they were signed by the company at Toronto, where the head office is situated.

TEETZEL, J.

MARCH 8TH, 1909.

WEEKLY COURT.

RE DICKS.

Life Insurance — Policy Payable to Assured's "Surviving Children, Share and Share alike" — Variation by Will — Provision for Division when Youngest Child Attains Majority — Substituting Grandchildren in event of Death of Children — Variation of Terms of Policy — Substitution of Absolute for Contingent Interest — Provisions of Statutes in Force in 1895 — Right of Children to be Paid as each Attains Majority.

Application by Frederick Dicks, a son of Mary Dicks, deceased, for an order directing that \$1,160 in the hands of