

the action is to be dismissed as against Guibord without costs, and without prejudice to any right of set-off which plaintiff may have in respect of the judgment against Lallemand, and plaintiff is to have judgment against Lallemand for the amount found due by the report with subsequent interest and costs.

WINCHESTER, MASTER.

MARCH, 3RD, 1903.

CHAMBERS.

RE WEBB.

Life Insurance—Bequest of Proceeds to Infant—Right of Executors to Payment—Law of Domicil of Insured—Payment of Money into Court.

Motion by the Grand Orange Lodge of British America for leave to pay into Court \$1,000, being the amount of an insurance on the life of T. H. Webb, deceased. He insured in favour of his wife while living in Ontario, but subsequently removed his family to Manitoba, where his wife died. In his will he made several specific devices, and added: "And I give, devise, and bequeath all other my messuages, lands, tenements, and hereditaments, and all other my household furniture, ready money, security for money, my life insurance in the Orange Mutual and Confederation Life Insurance Companies, my crops, horses, stock, machinery, goods and chattels, and all other my real and personal estate whatsoever and wheresoever unto my . . . son Thomas William McEwan Webb, to be held by my executors in trust for him until he is 21." The executors applied to the applicants for payment of the \$1,000 insurance moneys, but, upon being requested to execute, as trustees, a release in respect of the sum to be paid, they refused to do so, asserting that they were entitled to payment as executors either for the benefit of the infant or of the estate of the deceased as might be determined by the law of Manitoba.

W. D. Gwynne, for applicants.

Shirley Denison, for executors.

THE MASTER referred to *Scott v. Scott*, 20 O. R. 313, and *National Trust Co. v. Hughes*, 14 Man. L. R. 41, and said that if the executors desired to raise similar objections to those raised in the latter case, such objections could be best disposed of on motion for payment of the fund out of Court. Upon filing an affidavit as to the infant's age, as required by Rules 411 and 418, and order would be made as asked.