

The plaintiffs also claimed as damages the expenses of a special journey from London to New York, made by Donald, as was said, in consequence of the failure of the defendants to perform the contract. But this could not be said to flow naturally from the breach or to be in the contemplation of the parties. Nothing should be allowed on this head.

The learned Judge referred to *Featherston v. Wilkinson* (1873), L.R. 8 Ex. 122; *Roper v. Johnson* (1873), L.R. 8 C.P. 167; *Perkins Electric Co. v. Electric Specialty and Supply Co.* (1918), ante 190.

Judgment for the plaintiffs for \$10,600 and costs.

LATCHFORD, J., IN CHAMBERS.

JUNE 25TH, 1918.

*RE HEWITT AND HEWITT.

Insurance (Life)—Change of Beneficiary—Policy Payable in Ontario—Deceased Assured Domiciled in British Columbia—Law of British Columbia not Applicable—Law of Ontario Applied—Soldier's Will—Intention of Testator—Bequest of Personal Estate—Inclusion of Insurance Moneys.

Motion on behalf of Sarah Hewitt for an order declaring that she is entitled to the insurance moneys payable under a policy of insurance issued by the Crown Life Insurance Company upon the life of James T. Hewitt, private soldier, killed in action.

The policy was dated the 7th November, 1904; the applicant, the mother of the deceased, was named in it as beneficiary; but the assured, in letters written when he was in active service in France, intimated an intention of changing the beneficiary to his wife, Gwendoline E. Hewitt.

The assured made a will upon a form the same as that in question in *Re Monkman and Canadian Order of Chosen Friends* (1918), ante 29, the words used being, "My personal estate I bequeath to," naming his wife; and there being under his signature the words: "N.B. — Personal estate includes . . . insurance policy."

The question was, whether the change in the beneficiary was validly effected.

A. R. Hassard, for the applicant.

R. H. Parmenter, for the widow of the assured.

* This case and all others so marked to be reported in the Ontario Law Reports.