

posed to pay \$2,000 into Court in Alberta, because of a claim made to it by the brother, who had notified the defendants that he elected to take against the will; and, therefore, disputed the plaintiff's title.

The plaintiff's contention was, that, because the policy provided for payment in Ontario, the defendants had no right to exonerate themselves by paying the money into Court in Alberta. With this the learned Judge does not agree. The Alberta statute (Acts of 1915, ch. 8, sec. 43) provides that in all cases where a company licensed to do business in Alberta issues a policy, the insurance money shall be payable in the Province of Alberta, when the assured is or dies domiciled therein, notwithstanding anything contained in any policy or the fact that the head office of the company is not within that Province.

This policy, it was admitted, was issued in Alberta, and the assured was domiciled therein; and the effect of this statute was to supersede and override the policy provision, and to make the money payable there. The statute has in effect become part of the contract; and the plaintiff, claiming under the policy, was bound by the contract, and could have no higher rights.

There is grave doubt whether any such action as this would lie, even if the finding on the main question were otherwise; for, if the plaintiff's contention was well-founded, and she was not bound by the provisions of the statute, and the Alberta Court had no jurisdiction in the premises, her remedy would be to sue the defendants upon the policy, if indeed she had any right of action against them.

As an injunction was the only thing sought in this action, the motion should be turned into a motion for judgment\*, and the action should be dismissed with costs.

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MIDDLETON, J., in CHAMBERS.

DECEMBER 30TH, 1915.

\*RE SOVEREIGN BANK OF CANADA.

\*CLARK'S CASE.

*Bank—Winding-up—Contributory—Double Liability — Shares  
Purchased for Infant—Ratification after Majority—Leave  
to Appeal.*

Motion by Muriel I. Clark for leave to appeal to a Divisional Court of the Appellate Division from the order of RIDDELL, J.,