

THE  
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING OCTOBER 29TH, 1904.)

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VOL. IV. TORONTO, NOVEMBER 3, 1904. No. 10

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ANGLIN, J.

OCTOBER 25TH, 1904.

CHAMBERS.

RE WRIGHTON.

*Life Insurance—Preferred Beneficiary—Widow—Declaration  
by Will—Claims of Creditors.*

Motion by executors under Rule 938 to determine the respective rights of the widow and the creditors of W. F. R. Wrighton, deceased, in regard to the proceeds of two policies of insurance upon his life, aggregating \$3,000. These policies were in force when the deceased made his will. Upon their faces they were made payable to his personal representatives. The will contained this provision: "I devise, give, and bequeath to my dear wife Amelia Wrighton, her heirs and assigns, absolutely, all my real and personal estate and effects of every nature and description whatsoever and where-soever situate and being . . . and including therein any and all policy and policies of life and other assurance . . . for the sole use and benefit of herself and of my dear children as well as for their maintenance, education, and training and advancement in life during minority, hereby giving unto my said dear wife full control and absolute disposal of the same in her discretion for the purpose aforesaid, subject to the payment of said debts and expenses and of all other proper and legal expenses and charges." In an earlier clause the testator directed his executors to pay his just debts and funeral and testamentary expenses out of his personal estate and cash on hand.

A. Weir, Sarnia, for the executors.

C. A. Moss, for the widow, contended that she was entitled as a preferred beneficiary to the insurance moneys in