his wife in the event of his death, the sum for which he insured. After the death of Harrison, in November, 1846, McConkey received the amount secured by the policy, which latter was delivered to the agent of the company, and transmitted to the general agent in New York.

McConkey having been nearly paid without resorting to the proceeds of the policy, the same was claimed by the widow of the deceased, whose administrator set up a counter claim thereto, and by his answer denied that his intestate made any such assignment as was valid and effectual in law, to vest the policy or the proceeds thereof in the complainant.]

THE CHANCELLOR:

I am of opinion, upon the facts proved in this case, that there was such a consummate transfer and delivery of the policy in question, as took from the husband the legal power and dominion over it; that after he had assigned the policy by indorsement and delivery to the defendant, McConkey, for the purposes disclosed in the evidence, there no longer remained to the assignor any authority or control over it; that the property passed by the indorsation and delivery; and that upon the death of Harrison, the insurance company had full authority to pay the money to McConkey, the assignee, without the interposition of the administrator of Harrison.

This is not like the cases of *Pennington* vs. *Patterson*, 2 *Gill & Johns.*, 208—and *Bradley and wife* vs. *Hunt*, 5 *Gill & Johns.*, 54, in which the legal power and dominion over the property in dispute, remained, notwithstanding the acts done, by the alleged donors; but it is the case of a complete and absolute transfer of the entire possession and title, leaving the party making the transfer, no power whatever over the subject, and requiring nothing of him or his administrator to perfect it.

It is believed that according to the reasoning of the Court of Appeals, in the cases referred to, that tribunal would hold the right of the wife, in this case, to be good against the administrator of the husband.

I shall accordingly so order, but the case must go to the