

W. T. McMullen, for the applicant.

J. E. Jones, for the society.

KELLY, J.:—A certificate (No. 14177) for \$1,000 in the Order of Canadian Home Circles was issued to Benjamin Charlton Oag. His sister, Margaret Gunn, of Houghton Centre, in Ontario, is the beneficiary named therein. She is the only living member of his family; his step-mother, however, lives in Toronto.

From the time of his father's death in 1889, the insured made his home with his sister, and, from about 1891 until 1904, he was in the habit of taking employment during the summer months sailing on the lakes, but spent every winter, except one, during that time, at his sister's home.

In the spring of 1904, he went as usual to his employment on the water, and in that season was employed on the vessel "Oregon" on the Great Lakes. At the close of navigation in the fall of 1904, he received his discharge from the vessel at Chicago, and for a day or two in December, 1904, he was a guest at the Atlas Hotel in that city. This was the last trace that has been obtained of him, for since that month neither his sister nor her husband nor other friends of his nor those who knew him in his employment, have heard anything of him.

His step-mother says that she has heard nothing of his whereabouts for the past eight years.

In addition to inquiries having been made for him amongst those who might be expected to know something of him, advertisements have been inserted in newspapers in Chicago and in Springfield, Massachusetts, asking information about him; and the Chicago city directories have been consulted; but none of these efforts have brought any results.

In *Hagerman v. Strong*, 8 U.C.R. 291, it is said at p. 295: "The principle itself (that is, the principle of law as to the presumption of death) is founded upon the necessity of taking some measure of time as a rule in such cases, in order that it may not be forever uncertain at what time an absent person, of whom nothing has been heard, may be concluded to be no longer living. Seven years has been adopted as a reasonable period; the meaning of which I take to be that the law considers it possible that a person who has left his domicile and gone abroad, may be still living, though nothing has been heard of him or from him for seven years; but does not consider it, morally speaking, possible that he should live longer without evidence being in some manner afforded of his existence."