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The disposition made by the majority of the Court of Appeal (Ontario) of the case of *Johnston v. Catholic Mutual Benevolent Association*, 24 A.R. 88, strikes us as somewhat curious. The action was brought by the plaintiffs on behalf of themselves and all other creditors of the late Patrick O'Dea, to recover the amount of a benefit certificate which had been issued by the defendant Association to Patrick O'Dea, and held by him at the time of his death. Patrick O'Dea had made a will whereby he purported to bequeath the moneys payable under the certificate to certain legatees named in his will, and the executor of the will was also a defendant. The Association paid the money into Court to abide the result of the litigation. The majority of the Court of Appeal (Hagarty, C.J.O., Burton and Osler, J.J.A.) decided that neither the plaintiffs, nor the executor, nor the legatees had any right to the money, and yet, strange to say, directed a reference to the Master to inquire who was entitled to it. This seems a very peculiar direction to make, inasmuch as none of the actual parties to the action appear to have had any interest in prosecuting the reference. One would have thought that the only judgment the Court could properly give under such circumstances would have been one dismissing the action, and ordering the money paid into Court to be paid back to the Association, leaving it to the parties really entitled to the money to take such proceedings for the payment of the fund to them as they might think proper; but to burthen them with the costs of a reference in an action instituted by persons found to have no title to, or interest in the fund whatever, seems certainly a new departure. It is true that Osler, J.A., suggests that the legatees, or some of them, might, as next of kin of the deceased, maintain their claim to the fund, but there is nothing in the report