

Nova Scotia.]

CONFEDERATION LIFE ASSOCIATION v. O'DONNELL.

Life insurance—Policy—Memo. on margin—Want of counter-signature—Effect of—Admissibility of evidence.

A policy of life insurance sued on had in the margin the following printed memo. :- "This policy is not valid unless countersigned by.....agent at. Countersigned this.....day of Agent." This memo. was not filled up, and the policy was not, in fact, countersigned by the agent. Evidence was given of the payment of the premium, and rebutting evidence by the company that it had never been paid. The jury found that the premium was paid and the policy delivered to the deceased insured as a completed instrument, and a verdict was entered for the plaintiff and affirmed by the Supreme Court of Nova Scotia

Held, affirming the judgment of the Court below, Sir W. J. Ritchie, C. J., and Gwynne, J., dissenting, that the necessity of countersigning by the agent was not a condition precedent to the validity of the policy, and the jury having found that the premium was paid, their verdict should stand.

The judgment on the former appeals in this case was, on this point, substantially adhered to. See 10 Can. S. C. R. 92, and 13 Can. S. C. R. 218.

Appeal dismissed with costs.

S.H. Blake, Q.C., J. Beatty, Q.C., and Borden, for the appellants.

Weldon, Q.C., and Lyons, for the respondent.

LAW FOR LADIES.

[Continued from p. 112.]

In a certain stage of society one of the most extensive classes is that of "cousins." To the question, "Who is that downstairs, Jane?"—how promptly and universally comes the answer, "My cousin, ma'am." How important, therefore, is the query, "Who is a cousin?" The Justices in Her Majesty's Court of Appeal a couple of years ago wrestled with the question, but, alas! they differed in their decisions. Lord Justice Bowen was profound—went to the bottom—

was genealogically accurate and narrowly limited the genus. He said, "I start with this: the word 'cousin,' being a term of which the dominant idea is consanguinity (Yea, verily, many a Betsy Ann and Eliza Jane would start too at such an idea). Harriet Cloak is not a cousin of the testatrix at all." He proceeds, "It is not accurate to say that the wife of one's cousin is, even in a secondary sense, one's cousin. . . . The ground of my decision is that the word 'cousin' cannot be used in a secondary, or even in a tertiary sense, for a person not a relation in blood, though it can be used for a more distant relation than a first cousin." Lord Justice Fry took a more extended view, and one more in accord with the notions of "life below stairs." We do not for a moment suggest that he knew the cook, but she must have known him by name. He said, "I agree with Lord Justice Bowen as to the proper signification of the word 'cousin,' that it properly means the children of brothers and sisters (we would have called those nephews and nieces), and implies consanguinity; but I think that it is sometimes used in a loose and vague sense which does not imply consanguinity, as when the Queen addresses a nobleman, or a member of her Privy Council, as a 'cousin,' and when we speak of our 'country cousins.' I think that in popular language the word does apply to persons who are not related by consanguinity" (*Cloak v. Hammond*, 56 Law J. Rep. Chanc. 171; L. R. 34 Chanc. Div. 255). It must be satisfactory to mistresses to know that their helps may call all male visitors cousins, and still be consistent members of the Church, or of the Salvation Army.

No one has a right to complain that his next-door neighbour plays upon the piano at reasonable hours, nor of the cries of children in his neighbour's nursery, nor of any of the ordinary sounds which are commonly heard in dwelling-houses; but if a Ladies' Decorative Art Club take a house on a square filled with dwelling-houses, and conduct classes in the art of metal working and hammering brass, so that the unusual and disturbing noises are of a character to affect the comfort of the household of the man living next door, or the peace and health of his family, and to