

LATCHFORD, J.

DECEMBER 9TH, 1913.

WRIGHT v. ANCIENT ORDER OF UNITED WORKMEN.

*Life Insurance—Proof of Death of Assured—Disappearance—Efforts to Trace—Lack of Tidings for Nine Years—Presumption of Death—Action—Application under 2 Geo. V. ch. 33, sec. 165, sub-secs. 5, 6—Costs of Action.*

Action to recover the amount of an insurance on the life of Judson A. Wright, who had disappeared and had not been heard of since 1904.

A. R. Bartlet, for the plaintiff.

A. G. F. Lawrence, for the defendants.

LATCHFORD, J.:—Judson A. Wright, a carpenter, the husband of the plaintiff, became, in 1886, a member of the fraternal society known as the Ancient Order of United Workmen. In 1897, being then 43 years of age, he left the county of Essex and went first to Manitoba, then to other western Provinces of Canada, and thence to various places in the United States. He was in the city of Chicago in February, 1904. During his wanderings he wrote from time to time to his wife and the eldest of the five young children he had left in Canada, manifesting in such of the letters as have been preserved a warm and constant affection. His last letters indicate that he was broken in health and incapable of earning even a precarious living. He had spent three nights in the municipal lodging house at 12 and 14 South Jefferson street. Only for one more night would even that shelter be afforded him. He was poorly clad, hungry and weak, he says, but sober, and promised to be sober to the end that he doubtless felt to be not far off. His son, who had at an early age taken the absent one's place as head of the family, had on previous occasions responded to appeals from his father for relief; and would have done so again when the last call was made, had he not been himself on the point of moving the family from Windsor to Chicago, whither his employers had transferred him from Cleveland. As soon as the family reached Chicago, they sought out the father at the addresses he had given. The only information they obtained was that he had hired with a lumber company to work in "the