Hendershot (adopted daughter) a sum not exceeding $1,500 in accordance with and under the laws governing said fund upon satisfactory evidence of the death of said member" . . . "providing that said member is in good standing at the time of his death, and provided, also, that this certificate shall not have been surrendered by said member and another certificate issued at his request, in accordance with the laws of the order."

Lucy, having been married to W. P. Hendershot, died in 1909, leaving her surviving four infant children and her husband—thereafter Rhoder made the following endorsement upon the certificate.

"The within named beneficiary, Lucy Hendershot, having died, I direct that all benefits under the within certificate be paid to Urban A. Buchner, who, for many years, has advanced money to me and kept up the premiums and who is a holder of this certificate for value.

"Witness my hand and seal this 6th day of July, 1909.

"Witness:

"Sgd. M. Isabel Blankinship. Sgd. Thomas R. Rhoder (L.S.)"

Rhoder died a widower and childless in 1911; a claim was made by Buchner that he was entitled to the amount of the insurance; a claim was, however, made on behalf of the children of the deceased "adopted daughter." The Royal Arcanum paid the money into Court; the Fidelity Trusts Co. took out letters of administration with will annexed, of the estate of the deceased Rhoder; upon application, an interpleader order was made by the Master in Chambers.

The issue came on for trial before Hon. Mr. Justice Riddell, at the non-jury sittings at London during the present week, who, after hearing the evidence, reserved judgment.

Hon. Mr. Justice Riddell:—Considerable argument was based upon the clause "*in accordance with the laws of the order*" but it is clear that these words refer simply to a certificate subsequently to be issued; and that they have no relevance in the present enquiry.

Every suggestion of amendment to the form of the issue was strenuously combatted by counsel for the plaintiff; and I must, accordingly, deal with the issue exactly as I find it.