

SUTHERLAND, J.

JULY 4TH, 1916.

ROYAL BANK OF CANADA v. HEALEY.

Assignments and Preferences—Assignment to Bank of "Book-accounts, Debts, Dues, and Demands"—Exclusion of Moneys Arising from Insurance upon Goods in Stock Destroyed by Fire—Construction of Document—Ejusdem Generis Rule—Contest between Bank and Assignee for Benefit of Creditors—Adjustment of Amount Due by Insurance Companies—Binding Effect.

Action by the bank against the assignee for the benefit of creditors of G. F. Glassco & Co. to recover moneys arising from an insurance against fire of the assignors' goods in stock, the plaintiffs claiming under an assignment of book-debts from G. F. Glassco & Co.

The action was tried without a jury at Hamilton.
S. F. Washington, K.C., for the plaintiffs.
S. H. Ambrose and J. R. Marshall, for the defendant.

SUTHERLAND, J., in a written opinion, set out the facts. It appeared that the fire which damaged the stock occurred on the 20th September, 1914; that an adjustment of the loss was made shortly afterwards; that the assignment to the plaintiffs was dated the 2nd October, 1913, and that to the defendant on the 31st October, 1914.

The plaintiffs claimed the insurance moneys as included in the words of their assignment, "book-accounts, debts, dues, and demands."

The learned Judge was of opinion that, upon the facts disclosed in evidence, the adjustment had the effect of determining absolutely the amount due by the insurance companies and creating a liability on their part.

The intention of the plaintiffs apparently was to obtain an assignment of book-debts, a term fairly well known and understood in mercantile life. The literal meaning of the words should be taken: Norton on Deeds, ed. of 1906, p. 56.

The assignment was headed "Assignment of Book-Debts etc." Having regard to this, the words "debts, dues, and demands," following "book-accounts," must be held to be words applicable only to such debts, dues, and demands as are ejusdem generis with those comprised in the specific description "book-accounts."