

was entitled to \$939. 07 insurance moneys, payable under an endowment certificate issued by the Supreme Tent of the Knights of the Maccabees of the World. The plaintiff married Philip Crosby, deceased, in 1860. In 1886 he married the defendant. The trial Judge found that defendant did not know of a former marriage, and held that the ownership of the fund, which was to be paid to the insured's "wife," Mary Crosby, should be decided *ex aequo et bono*, and since it was perfectly manifest from the evidence that the deceased never intended the money to go to the plaintiff, he gave judgment in defendant's favour.

The appeal was heard by FALCONBRIDGE, C.J., STREET, J., BRITTON, J.

W. M. Douglas, K.C., for plaintiff.

A. Weir, Sarnia, for defendant.

FALCONBRIDGE, C.J.:—There is no question, on the evidence, but that the insurance was effected for the defendant, Mary Ball. She is the person designated as beneficiary, although she may, strictly speaking, be misdescribed as wife; and the only point for decision by us is whether she can be a legal beneficiary under the rules of the association. By sec. 174 of the Revised Laws of the K. O. T. Maccabees, edition of 1899, it is provided: "No life benefit certificate shall be made payable to any person other than the wife, husband, children, dependent, mother, father, sister, brother, aunt, uncle, nephew, niece, cousin, step-child, step-parent, half-sister, or half-brother of the member . . ." The defendant claims as dependent, and it was argued to us, on the part of plaintiff, that the dependent in the section should be a person related by blood or affinity to the member. I am of the opinion that there is no room for the application of any doctrine of *ejusdem generis* or *noscitur a sociis*. . . . It is perfectly manifest that it was intended that a dependent, that is, one who is sustained by the member or who relies on the member for support or maintenance, ranks next after wife, husband, and children, apart from any question of legal relationship.

She is entitled to the fund in Court. The position of a "dependent" has been considered in the following cases: *Main Colliery Co. v. Davies*, [1900] A. C. 358; *McCarthy v. New England Order of Protection* (1891), 153 Mass. p. 314; and the unreported, but well considered, portion of the judgment of Meredith, J., in *Styles v. Supreme Council Royal Arcanum* (1897), 29 O. R., referred to in the note on page 40.