

HON. MR. JUSTICE LATCHFORD. DECEMBER 9TH, 1913.

WRIGHT v. A. O. U. W.

5 O. W. N. 445.

*Insurance—Life Insurance—Lack of Trace of Insured—Presumption of Death—Diligent Enquiry—No Word for Ten Years—2 Geo. V. c. 33 s. 165 s.-s. 5, 6—Costs.*

LATCHFORD, J., *held*, that where the insured under a policy of life insurance had not been heard from for nearly ten years, in spite of diligent enquiry, and the circumstances were such that he might have been expected to communicate with his family if alive, there was strong enough presumption of death to warrant a declaration of the same by the Court.

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. Bartlett, for plaintiff.

A. G. F. Lawrence, for defendants.

HON. MR. JUSTICE LATCHFORD:—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,