

to be such, took charge of a man, and the man reasonably thought he was under arrest from the conduct of the officer, this is an arrest.

McEvoy and Wilson, for plaintiffs.

Gibbons, Q.C., and *Graydon*, for defendant.

DIVISION COURTS.

THIRD DIVISION COURT, DUNDAS AND GLENGARRY.

(Reported by John A. Chisholm, Barrister-at-Law.)

SHEETS v. COURT SIDNEY, CANADIAN ORDER OF FORESTERS.

Benefit societies—C. O. O. F.—Certificate of physician.

Certificates required by the constitutions of friendly societies on which sick benefits are paid must be furnished in strict accordance with the forms provided by the constitution. In this case the certificates on which the plaintiff relied merely certified to his illness, without stating that he was unable to follow his usual occupation.

[CORNWALL, March 6, 1896, CARMAN, J.J.]

This was an action for sick benefits against the local court or branch of the Canadian Order of Foresters. Sec. 82 of the Constitution of the Canadian Order of Foresters defining, the duties of the Court Physician, requires inter alia, "it shall be the duty of the Court Physician to . . . sign the certificate necessary to enable (the claimant) to draw the sick benefits . . . The certificate of the Court Physician shall be in Form 'L' or equivalent thereto. Members of the Order employing other than the Court Physician shall present the certificate of the same, who in all cases must be a regularly qualified physician, and such certificate shall be accepted on the same conditions as if it were signed by the Court Physician."

The Court Physician gave plaintiff a certificate entitling him to three weeks sick benefits, believing him fully recovered. The physician was then absent for some weeks. Plaintiff alleged that he was not cured, but was ailing for several weeks longer, and sought to recover therefor on certificates of other physicians than the Court Physician, which, however, merely certified to his illness and did not state he was unable to follow his usual occupation.

R. A. Pringle, for plaintiff.

J. W. Liddell, for defendant, referred to *Essery v. Court Pride of the Dominion*, 2 O.R. 596.

CARMAN, J.J.—The wording of By-Law No. 19, of Court Sidney, is not the same as the wording of sec. 85 of the Constitution of the Canadian Order of Foresters. The Constitution says: "Every brother . . . in case of being disabled by sickness or accident from following his usual occupation or otherwise earning a livelihood . . . provided always that such illness has not been brought on by his own intemperance or immorality, shall be entitled to, etc."

By-Law No. 19, of Court Sidney, says: "Any member who from illness or accident is incapable of earning a livelihood, where such illness is not brought