

Were it the case of an incorporated company, and were it certain that the proper number of votes would be secured to carry the amendment, the Court might not—probably would not—interfere; but this is quite a different case.

I do not lose sight of the principle laid down in many cases that the Court will not interfere unless and until all the domestic remedies are exhausted. There are many provisions for appeal in the constitution of this Order, but none for an appeal from the action of the Grand Lodge itself—and that is what the plaintiffs complain of.

*Zilliax v. Independent Order of Foresters*, 13 O.L.R. 155, is perhaps the latest case in which the principle is applied—and the numerous decisions need not here be cited or discussed. There is no doubt of the general principle.

I cannot entirely disregard the consideration of the evil effects upon the Order which may result from this order—any more than I can disregard the hardship on old and on aging men arising from the amendment if held valid. That the Order may suffer if the present plan is retained, is clear enough. Life insurance does not differ from any other matter to which the inexorable truths of mathematics can be applied. Assumptions of antiquity, a euphonious, well-sounding name, the enthusiasm of fraternity, are well enough; but, when it comes to paying a death claim, they are found wanting. The cold gray light of a failing bank account makes perfectly manifest that cheap insurance is a sin against actuarial science—and the wages of this sin, too, is death.

On the other hand, these aged and aging men have paid for years money which went to pay for the support of those left behind by their comrades, believing that so long as they, during their own lifetime, paid their fees as fixed for them, their widows and orphans would in like manner be provided for: they now are told that they must pay an increased amount, which many of them will find it most difficult, some impossible, to pay, or lose all the benefit of their past payments of money which they could ill spare. It would be hopeless for them to expect to be admitted to another benevolent society—their lot is a hard one. Truly those who organise such societies undertake a tremendous responsibility—the failure of any such always results in tragedy.

On a balancing of convenience I cannot but think that these individuals have the higher claim to consideration. I cannot think the Order is so rotten, so near bankruptcy, that it will go to pieces before a regular meeting can be held at which will appear delegates fully instructed—while, if I permitted the new rates to go into operation, very great hardship might result.