

the old rules and the action as to suspension thereunder are to be regarded as governing the deceased, then he was not, under rule 55, in good standing on the 1st day of January, 1893, and his good standing was never effectually restored thereafter.

If he is also to be regarded as under the new rules (which I think is the case, and that the two sets of rules may be worked cumulatively), then he was clearly not in good standing at the time of his death. If technically he was not suspended by the action of the Lodge in 1896, he has been for years in default in respect of his dues, which are still unpaid, and he has also made default violating the regulations imposed upon members to secure their presence and co-operative activity in the local Lodge. He has been an absentee from the local Lodge, and has not transferred himself to another for over 10 years. It appears strange that the yearly assessments have been paid to the Benefit Fund till the year of his death—that was explained during the trial by the fact that the certificate was pledged to some one who kept up the payment of the assessments.

But, looking at the whole scheme of the Orange body in this regard of insurance, one must not forget the system of dual membership, which is of its essence. The Benefit Fund is not gathered for the insurance of everybody who applies, but for those who begin and continue and at death are proved to be members in good standing of a private Lodge. This is a requirement quite apart from good standing in the insurance department, which is secured by punctual payment of the assessments.

It was explained during the evidence that cheap insurance of this kind can only be successfully furnished by means of the primary Lodges keeping their members and fostering fraternal feeling and attracting others to their companionship in the Order, and so enlarging the constituency from which the financial supplies come.

All these duties were neglected by the deceased, and he also failed in meeting the monthly dues, and he had practically withdrawn himself from membership. I do not further elaborate the many difficulties in the way of this litigation. One cannot blame the primary Lodge for refusing to certify his good standing, and, in the absence of that certificate, bona fide withheld, there can be no proof of claim in its legal aspect. No judgment of this Court can reach that primary body in its absence from the record, and it is a