

The powers relied on are three: first, the Friendly Societies Act, R.S.O. 1877 ch. 167, sec. 4; secondly, the powers mentioned on p. 36 of the constitution; and thirdly, those in the Act of 1903, now R.S.O. 1914 ch. 183, sec. 185.

Those given by the Friendly Societies Act, under which this Society was incorporated, are limited to what is necessary for the government and control of the affairs of the society, and do not permit an alteration of the fundamental declaration: this appears from *Bartram v. Supreme Council of the Royal Arcanum* (1905), 6 O.W.R. 404.

The powers given by the constitution on p. 36 are limited to the alteration of the constitution and laws which begin at p. 11 of exhibit 3, and do not include authority to alter the original incorporation declaration by which (p. 5, clause 5) members are entitled to half of the amount of their beneficiary certificate on attaining the expectancy age. This age having been reached, and the respondent having complied with all the lawful requirements of the Order, he became entitled to one-half of the amount of the beneficiary certificate, subject to the change sanctioned by the Act of 1903.

Then, looking at the powers under that Act, it would appear that the change which had been made in 1897 became thereby valid, the payment of \$100 being made payable yearly, instead of, as originally provided for, in a lump sum at the expectancy age. There is no power under that Act to postpone or change the expectancy age already fixed, as the amendment of 1914 purported to do.

Mr. Sommerville relied upon a number of cases, both English and Canadian, as indicating that a member was bound by any change in the laws and regulations which might take place after he became a member, although they affected materially the rights which he had acquired. All these cases depend, in the end, upon the consent of the member arising from his express or implied agreement to be bound by any changes in the laws, rules, or regulations.

In the case of *In re Ontario Insurance Act and Supreme Legion Select Knights of Canada* (1899), 31 O.R. 154, chiefly relied upon, the constitution and laws were made part of the original declaration; therefore, the powers of amendment were held to apply to that original declaration. That is not the case here, where there is no such consent. In the respondent's application he agreed to abide by the constitution, laws, rules, and regulations then in force, or which might thereafter be enacted.