

The action was originally entered for trial at Ottawa, but by consent of counsel argued upon a stated case at Toronto on the 28th November, 1913.

J. J. O'Meara, for plaintiff.

D. O'Connell, for defendants.

HON. MR. JUSTICE MIDDLETON:—The defendant society is a fraternal organization incorporated by an Act of the General Assembly of the State of Connecticut, passed March 29th, 1882, and since then several times amended. This Act in its final form appears in the pamphlet filed at p. 18, as embodied in the joint resolution of June 27th, 1907. The object for which the body is created is partly insurance and partly purely social and fraternal. The corporation is given power to adopt a constitution, by-laws, rules and regulations, and from time to time to alter, amend and repeal the same, provided that it shall continue to be governed by the constitution then already in force under a similar authority conferred by earlier Act, until such constitution, by-laws and regulations shall have been altered or changed in manner provided by such constitution, etc. Power is given to the corporation to establish subordinate councils, or rather branches and divisions, thereof, in any town or city of its state of origin or any other state of the Union or any foreign country.

The constitution provides that the order shall be governed by a supreme council and state council; and each local body is created a subordinate council having certain limited powers.

Membership is limited to "practical Roman Catholics," who are initiated, and, according to the original constitution, receive three degrees on passing certain ceremonial rites, the nature of which has not been stated, but which no doubt import certain moral obligations.

The order has a large membership in Canada, but it has never been authorized to transact and does not transact insurance business in this Province, its sole function in Ontario being fraternal, or, as defined by the constitution "of promoting such social and intellectual intercourse among its members as shall be desirable and proper, and by such lawful means as to them shall seem best."

The plaintiff has been a member of the organization since the year 1900. He duly paid his initiation fee, \$10, and was