

The  
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APPELLATE DIVISION.

JANUARY 14TH, 1915.

\*GRAINGER v. ORDER OF CANADIAN HOME CIRCLES.

*Life Insurance—Benevolent Society—Contract of Insurance—  
Life Expectancy Benefit Fund — Beneficiary Fund—Pay-  
ment to Member on Attaining Certain Age—Change in By-  
laws—Validation by Statute — Death Benefit — Increased  
Assessment Premiums—Agreement of Member to be Bound  
by Amendments—Right of Member as Creditor.*

Appeal by the defendants from the judgment of MEREDITH,  
C.J.C.P., 31 O.L.R. 461, 6 O.W.N. 489.

The appeal was heard by FALCONBRIDGE, C.J.K.B., HODGINS,  
J.A., LATCHFORD and KELLY, JJ.

J. E. Jones and N. Sommerville, for the appellants.

I. F. Hellmuth, K.C., for the plaintiff, respondent.

The judgment of the Court was delivered by HODGINS,  
J.A.:—The amendments of 1914 have provided no age at which  
the yearly payments were to commence, so far as the respondent  
is concerned. If, therefore, he elects to accept option B, he gets  
nothing; while, under clause 4 of the amendments, if he rejects  
the option, he is shut out from all benefits. This amounts to con-  
fiscation of his rights, which the respondent claims had accrued  
to him when he became 70. No doubt this was not the inten-  
tion, but the Court has to deal with his rights as affected by the  
clause as enacted. That being so, the appellants must shew that  
their powers of amendment are extensive enough to warrant  
what they have done.

\*To be reported in the Ontario Law Reports.