

LATCHFORD, J.

FEBRUARY 11TH, 1918.

NOEL v. L'UNION ST. JOSEPH DU CANADA.

Injunction—Motion for Interim Injunction—Delay in Bringing Action—Increase in Rates of Benefit Society—Allegation of Illegality—Motion Refused—Balance of Convenience—Society to Keep an Account—Speedy Trial.

Motion by the plaintiffs for an interim injunction restraining the defendants from levying, imposing, or collecting, or attempting to levy, impose, or collect, certain rates or assessments attempted to be imposed upon the plaintiffs and other members of the defendant society, by virtue of an alleged by-law passed by the Federal Council of the defendant society on or about the 21st August, 1917.

The motion was heard in the Weekly Court, Ottawa.
E. R. E. Chevrier, for the plaintiffs.
O. A. Sauvé, for the defendant society.

LATCHFORD, J., in a written judgment, said that the defendant was a duly incorporated benefit society, with nearly 30,000 members. The administration of its business was carried on by or under the direction of what was called a Federal Council, composed of representatives from subordinate courts. In 1914, at a session of the council, it was decided to secure the services of a competent actuary to ascertain the financial position of the society. An expert was employed, who, about June, 1917, reported (among other matters) that it was desirable to establish a new scale of rates or assessments.

When, in August, 1917, the Federal Council met, it was decided—unanimously, according to the material filed—to adopt new and much higher rates than had been previously paid. The new scale was to become effective on the 1st January, 1918.

The applicants were members of the society upon whom the new rates were a heavy burden. They alleged that the requirements of the constitution were not complied with when such rates were imposed. This the society disputed, contending in addition that it would soon become insolvent unless the new rates were exacted.

The matter was of great importance to both the society and its members. If the injunction applied for was granted, serious injury might be occasioned to the defendant society. On the other