

CARTWRIGHT, MASTER.

JANUARY 11TH, 1905.

CHAMBERS.

READHEAD v. CANADIAN ORDER OF WOODMEN
OF THE WORLD.

*Discovery—Examination of Officer of Benefit Society—Clerk
of Subordinate "Camp."*

Motion by defendants to set aside an appointment issued by plaintiffs for the examination of one Harley Field as an officer of defendants.

The action was brought to recover from defendants the amount of a policy upon the life of plaintiffs' son, payable to plaintiffs. The son died in November, 1903.

C. A. Moss, for defendants.

J. W. Bain, for plaintiffs.

THE MASTER.—By the constitution of defendants the governing body is the "Head Camp," which alone has power to form subordinate camps and issue charters to them. The "Head Camp" consists of one delegate from each subordinate camp and eleven officers who are elected every two years by the members from among their own number. This has absolute jurisdiction over all members. Every subordinate camp has similar officers, who are elected annually by the members. These officers are paid by the subordinate camps such compensation as they see fit. The dues of the members are payable monthly to the clerk of the subordinate camp and handed to the banker. But no clerk or banker can be installed until he has given security to the satisfaction of the Head Camp's three head managers. The clerk and banker of the subordinate camps are the persons by whom the dues of the members are collected and remitted to the Head Camp.

In the present case, Field is the clerk of the Woodstock camp, of which deceased was a member; but he was not the clerk during the lifetime of insured. It is not easy to see what information he can give; but, if he is the proper officer to examine, he must prepare himself accordingly.

The question really seems to be whether plaintiff's solicitor is to go to London and examine one of the officers of the Head Camp, as defendants contend; or whether defendants' solicitor is to go to Woodstock, as plaintiffs desire.

After reading through the by-laws of the Order and the material filed, I think plaintiffs' view is right, and that the clerk and banker of the subordinate camp are officers of this Order, and liable to examination.

Motion dismissed with costs to plaintiffs in any event.