

THE  
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No. 3

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HON. MR. JUSTICE RIDDELL.

OCTOBER 11TH, 1912.

WEEKLY COURT.

CORDINER v. ANCIENT ORDER UNITED WORKMEN.

4 O. W. N. 102.

*Insurance — Fraternal and Benevolent Society — Constitution — Amendment by Grand Lodge — Increase of Insurance Rates — Notice of Proposed Amendment not Given Subordinate Lodges — Injunction Restraining Enforcement of Increased Rates.*

Motion to continue until trial an injunction restraining defendant society from putting into force an amendment to defendant's constitution passed by the Grand Lodge of defendant providing for an increased tariff of insurance rates.

RIDDELL, J., *held*, that as notice of the amendment to the constitution had not been sent to each subordinate lodge prior to its consideration by the Grand Lodge as required by the constitution the amendment was *prima facie* invalid.

Injunction continued to trial, costs in cause unless otherwise ordered by trial Judge.

"The Court will not interfere unless and until all the domestic remedies are exhausted."

*Zilliox v. I. O. O. F.*, 13 O. L. R. 155, referred to.

I. F. Hellmuth, K.C., for the plaintiffs.

E. F. B. Johnston, K.C., for the defendants.

HON. MR. JUSTICE RIDDELL:—The defendants the Ancient Order of the United Workmen of the province of Ontario is a fraternal and benevolent society or order. The order has adopted a constitution, etc., which it publishes under the title:

"Constitution, Laws and Rules of Order of the Grand Lodge of the Ancient Order United Workmen of the province of Ontario." in a 12 mo. of 126 pages, including the Index of 20 pages. There is, in this volume, no distinction drawn between "Constitution" and "Laws"; but at p. 95 appears an appendix headed "Appendix."