

From and after the first day of October, 1912; each and every member of this Order, who joined prior to the 1st day of May, 1905, shall, without notice, pay to the Financier of the lodge a monthly assessment of the amount designated opposite the age of the member on the 1st day of May, 1905, members over 65 years of age to be taken as at age 65; and each and every new member, commencing with the month of receiving the Workman Degree, shall, without notice, pay to the Financier of the lodge a monthly assessment of the amount designated opposite the age of the member at the date of admission to the Order, according to the following "graded plan":

The "graded plan" sets out ages and amounts from 16 to 49 the same as the original, then continuing from 50 to 65, inclusive, the same as recommended by the Executive Committee in their report, but stopping at the age of 65 years.

It is this "amendment to the Constitution" which is complained of. It must be perfectly manifest that this amendment never was submitted to the Subordinate Lodges for the consideration of their members, and that the members of the Order at large have had no opportunity of considering and discussing the same and of instructing their representatives in respect thereof. This, of course, would—or might—be no objection where the representative was a representative as in the Dominion and province of the whole Dominion or province and not of a particular constituency.

It may, perhaps, not be a prerequisite, taking sec. 169 strictly, for the Grand Recorder to send a copy of the amendment to the lodges, but it is in any reading necessary that the amendment shall be forwarded to the Grand Recorder on or before the 31st October before the meeting at which it was to be considered.

There are other objections to the amendment upon which I do not pass.

Were it the case of an incorporated company and were it certain that the proper number of votes would be secured to carry the amendment, the Court might not—probably would not—interfere; but this is quite a different case.

I do not lose sight of the principle as laid down in many cases that the Court will not interfere unless and until all the domestic remedies are exhausted. There are many provisions for appeal in the Constitution of this