

January's contribution was paid in March to the local receiver of one of the subordinate lodges of the society. He accepted the money, gave a receipt in the ordinary form in the member's pass-book, and forwarded the money to the head-office. The February contribution was paid in April; the March contribution, in March; the April contribution, in June; the May, June, and July contributions, in July; the August contribution, in August; and the September contribution, on the 2nd September.

The head-office, upon receipt of these moneys, retained them by placing them in a special account called "credit account," with the intention, as testified by the general secretary of the society, to hold these contributions until the member would send in his application for reinstatement or to be refunded to the member in case he was not reinstated and struck off the list.

The member was struck off the list, as appeared by the register of lapses, on the 30th April, 1918, but no notice of this fact was sent to the member or to the local receiver. The general secretary testified that, under the rules, the executive was not bound to send such notice.

Sick benefits were paid by the local receiver on the 2nd September, and the member died on the 5th September, without having made his written application for reinstatement.

The member had been ill and under a physician's care from January of the same year, suffering from liver disease and rheumatism.

The Acting County Court Judge was of opinion that neither waiver nor estoppel was shewn, and dismissed the action without costs.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LATCHFORD, and MIDDLETON, JJ.

D'Arcy McGee, for the appellant, contended that, at the time of her husband's death, he was in good standing in the society, as the August and September contributions had been paid in time. If at any time he became suspended, the society had waived the suspension and all forfeiture by accepting these contributions.

H. Saint-Jacques, for the society, respondent, maintained that there was no waiver of forfeiture or of the conditions of reinstatement required, and relied on the rules of the society, which provided that no officer appointed to receive the contributions on behalf of the society can receive from a suspended member any payments of assessments and fees before having satisfied himself that the suspended member has beforehand conformed himself to article 141 of the constitution, which article provided for the conditions of reinstatement above mentioned; and further maintained that the receipt by the head-office of the moneys from the suspended member could not act as a waiver of the intention of