

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

SEPTEMBER 30TH, 1919.

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

Insurance (Life)—Benefit Society—Supervision of Member—Forfeiture—Reinstatement—Waiver—Estoppel.

An appeal by the defendant society from the judgment of the Acting Judge of the County Court of the County of Carleton, dismissing the action.

The plaintiff was the widow of Honore Charbonneau, a member of the defendant society, and she claimed as the beneficiary in a policy of insurance issued by the society.

The rules of the society provided, among other things, that the monthly contributions should be due and payable on the first of the month. If the member did not pay his monthly dues within the next 30 days, he becomes automatically suspended. Then, to become a member in good standing, the suspended member must pay all arrears and make a written application for reinstatement. If this application was made within the 30 days that followed the suspension, the society would accept a declaration of good health from the suspended member. If the application was made after that time, the member must furnish a medical certificate. If the application was not made within the 60 days that followed the suspension, his policy lapsed, and he was struck off the list of members. The executive, however, had the right to reinstate the suspended member, even after the 60 days, on the application of the member and on certain other conditions which the society might exact, but this was as of grace, and the member had no strict right to be reinstated after 60 days from his suspension had elapsed.

The plaintiff's husband became suspended from the society on the 1st February, 1918, for not having paid his monthly dues for January, 1918.