

served for the hearing. It is not disputed that these amendments are drastic, and affect the right of the plaintiff to get what the defendants had originally contracted to give him. The plaintiff asserts that under the new regulations he has practically to rejoin, at seventy-four, the Order he entered at fifty, and to lose the insurance benefits of early entry, and that the old age or life expectancy payments are postponed for five years. The defendants contend that the amendments are necessary for the well-being of the Order, and that in his application the plaintiff agreed to abide by the constitution and laws then in force or which "may hereafter be enacted."

The point argued was whether the statute 2 Geo. V. ch. 33, secs. 184, 185, requires official approval of the changes made under the defendants' constitution, or indicates the limit to which a change could go in invading vested rights; or, on the other hand, whether, under the law in force previous to 3 Edw. VII. ch. 15, the defendants might proceed unaffected by that or the later enactment. This is a pure question of law, and its decision is bound to affect many other members.

It is not the course of the Court to decide a legal right upon an application for an interlocutory injunction. In this case the law is, to my mind, not clear; so that it resolves itself into a question of comparative convenience or inconvenience.

Here the plaintiff, if he does not pay and elect before the 1st June, is liable to suspension, and loses his right to elect. His share in the funds of this Order is imperilled. The defendants, if they lose meanwhile his assessments, do not urge anything but that the moral effect of a decision questioning their right to make the amendments will affect their revenue. I think the proper order to be made is that, upon the plaintiff paying into Court the assessment (said to be about \$17) due on the 1st May last, and continuing to pay the said sum monthly until the trial or other disposition of this action, and undertaking so to proceed as to enable either party to apply to the Judge holding the Toronto non-jury sittings for the week beginning the 31st May, to allow the trial to take place during that week, an injunction should go restraining the defendants, till the trial, from acting upon or taking any steps to enforce against the plaintiff the amendments in question or any rights based upon what is contained therein, and from putting the plaintiff to any election thereunder. The plaintiff should file his statement of claim on the 27th May and the defendants their defence on the 29th, the reply being delivered on the 30th, and the case set down