

New Jersey Court of Errors and Appeals

KATHERINE MCGUIRE, Admrx. of
the Estate of THOMAS DOO-
LAN, Deceased,

Plaintiff,

vs.

CATHOLIC BENEVOLENT LEGION, a
Corporation,

Defendant.

Brief for Plaintiff.

This was an action brought by the administratrix of Thomas Doolan, deceased, against the Catholic Benevolent Legion, for Fifteen Hundred Dollars, which the Legion agreed to pay when a member had performed all the conditions of the policy issued to him.

The plaintiff offered in evidence, the constitution and by-laws of the Legion, and according to Chapter one, Section two of the constitution and by-laws of the Legion, the Legion agreed to pay one-half of the amount of the policy of each grade to a member of that grade, who shall have become permanently disabled from attending to his business or gaining a livelihood, and is destitute of means of support, when the member of that grade shall have arrived at the age of expectancy, according to an expectancy table attached to the constitution and by-laws.

Thomas Doolan, deceased, was a Fourth Grade member, and according to his policy, the beneficiary was entitled to Three Thousand Dollars at his death, and the insured, Thomas Doolan,

deceased, was entitled to one-half of that amount, if he had been in the Legion for the required number of years, and was disabled from attending to his business and gaining a livelihood.

The evidence shows that at the time Thomas Doolan joined the Legion, he was fifty-two years of age (see page 22, line 33), and that at the time he made his application for a benefit, under the policy, the age of Thomas Doolan was seventy-two, thus being in the Legion for a period of twenty years in good standing (see page 24, top of page). The expectancy table of the Legion provides that a member who enters the Society at the age of fifty-two, must continue to be a member for a period of nineteen and five-tenths years before he is entitled to apply for a disability benefit (see Constitution and By-Laws and Expectancy Table, page 33).

The evidence further showed that the deceased, accompanied by his daughters, Katherine McGuire, and Julia Walsh, went to Brooklyn in the first part of September, nineteen hundred and eleven (see page 25, line 22), to the office of the Catholic Benevolent Legion, and there spoke to the Supreme Secretary, Mr. John B. Carroll (see page 18, line 10-20), and the following conversation took place:

Q You saw Mr. Carroll, did you? A Yes, sir.

Q Did your father say anything? A Yes; he spoke to him about him not being able to work.

Q Did he say anything about his health?

A Yes; he said he was in very poor health, and that he had no support whatever, only his two daughters, who looked after him, as he always looked to this society to get some help. (See page 18, lines 20-30.)

Q Now, what did Mr. Carroll say to that, if anything? A Mr. Carroll talked it over with papa, and he said that he didn't see why he should not get some benefit out of it, as he paid in so long; and he signed some paper which I don't know what it was.

Q He signed some paper? A Mr. Doolan signed some paper for Mr. Carroll.

Q Did Mr. Carroll ask him to sign it?

A Yes, he asked him to sign some paper. (See page 19, lines 1-13.)

And Julia Walsh, a witness produced on the part of the plaintiff, testified at the bottom of page 23, as follows:

Q In what way did he make application for disability benefit? A Well, he got those inquiries from the council he belonged to, No. 120, and we went over to Brooklyn to see what they called the Supreme Council, a man by the name of Carroll.

Q Who went over? A My sister and I.

And on page 24, line 7:

Q You said about signing an application, how do you know it was an application?

A Well, the poor old soul couldn't read or write, he simply asked me to look it over for him.

Q Did you read it? A I did; I looked it over, and then Mr. Carroll said, "Sign your name here, old man."

Q And your father signed? A He signed, surely did.

Q What was the application for? A It was for a disability clause.

And on the same page, line 29:

Q What else did he say to you? A Why, he asked him what his support was; that he had no income from any source; and he

explained thoroughly the situation. He said he had no income, depending solely on me, could not expect anything, he said, from my sister, because her family was so large, and she was a widow, no support whatever, she had; but I had to take care of him in the last years of his life.

And on the bottom of page 24, and top of page 25:

Q Did he tell Mr. Carroll what the trouble was? A Yes; Mr. Carroll could readily see. Didn't he help him downstairs?

The Court. That will be stricken out.

Witness. He said how long he had been suffering with rheumatism; how long he had been doctoring and could not seem to get any relief from it.

Q You say Mr. Carroll helped him 'down stairs? A Yes; he was awful nice, a perfect gentleman.

Q And your father signed the application, did he? A Yes.

Q In your presence? A In my presence. And on page 25, line 24:

Q Now, you say you made a second visit there? A Yes, sir.

Q When was that? A It was shortly after, about a month after; it was in October.

Q And who did you see? A Why, we saw Mr. Carroll.

Q And did you have a talk with him? A Yes, short, he was in a hurry, he was going out that morning, it was early in the morning; he said, "It isn't necessary to come over, I will attend to that as soon as possible, but you know it takes time." Those are the very words he said.

Q Did he say anything about the money? A He said, "We will attend to that." We

asked him when dad would expect to get that money he applied for. "Well, now," he says, "girls, you know it takes time."

And on page 26, lines 8-10:

Q Now, at the time you went over, his dues were all paid up, were they? A He was in good standing at the time, yes.

At the conclusion of the plaintiff's case, the Court ordered a non-suit, upon the following grounds:

"There have been introduced in evidence the policy under which the plaintiff seeks to recover, and the constitution and by-laws of the defendant, the Catholic Benevolent Legion. The policy, which it is admitted was regularly issued on the 16th day of March, 1891, provides that the Supreme Council may pay out to the said members a sum not exceeding one-half of the benefit stipulated, upon due proof that he has become entitled thereto under provisions that are relevant to permanent disability, upon surrender of this certificate, and acceptance by him of the above mentioned sum. The plaintiff has offered evidence to show that the deceased, Thomas Doolan, with his two daughters, went to the office of the Supreme Secretary in Brooklyn, and there made an application for this disability benefit under this provision. But it appears from the by-laws which have been introduced in evidence, that all members of the association were bound by the by-laws. In fact, the policy states that it is payable upon condition that the insured has complied with the laws, rules and regulations of the Legion then in force, or which might thereafter be adopted. The by-laws of the Legion provide, first, a

method by which the application for the disability benefit shall be made; and there is no evidence that the application was made in the method provided by the by-laws, which I deem necessary to entitle the plaintiff to recover. Second, the by-laws provide for a method of appeal within the order itself. And it has been frequently held, and my attention is particularly directed to the case of *Donnelly vs. The Supreme Council of the Catholic Benevolent Legion*, 67 Atl. Rep. 276, the syllabus of which is, 'Whereas the tribunals of a mutual benefit society have power to decide a dispute question, their jurisdiction is exclusive, whether there is a by-law stating such decision to be final or not; and the courts cannot be invoked to review their decision of questions coming properly before them, except in cases of fraud.'

As I stated, it does not appear that any procedure was taken within the tribunals of the order. In answer to that it is insisted that the deceased was lured into the belief that this disability benefit in his policy would be paid, notwithstanding the fact that he had failed to make his application in the way provided by the by-laws, and that, therefore, the right in him became vested by reason of that fact. I do not think the proofs warrant that assumption, because Mrs. Walsh, with whom Mr. Doolan then lived, stated that her father knew, in November, 1911, that he had been suspended, there must have been some violation of the laws, rules, and regulations of the Legion then in force; and, if a violation of them, then he was not entitled to anything under this policy; and after that time he lived for

three and a half years, during which he appears to have taken, himself, no action either in the courts, or in the tribunals of the order, for the purpose of establishing his right to this fund. And I think, under those circumstances, and the proofs in the case, that his administratrix cannot now seek to have that liability established in a legal tribunal.

This review results in a granting of the motion for non-suit, and an exception to that ruling as ground of appeal will be noted."

The first reason assigned by the Court for non-suiting the plaintiff is the following:

"The by-laws of the Legion provide a method by which the application for the disability benefit shall be made; and there is no evidence that the application was made in the method provided by the by-laws, which I deem necessary to entitle the plaintiff to recover."

It is admitted by the plaintiff that the deceased, Thomas Doolan, did not make application for his disability benefit in the method provided by the by-laws of the Legion, but it is insisted that the Legion waived the method provided by itself, by accepting the application which was presented to the Supreme Secretary of the Legion in Brooklyn.

"An insurance company may waive any condition of a policy inserted therein for its own benefit." 72 Law, p. 298.

And again:

"It is always open on behalf of the insured to show a waiver of the conditions, or a course of conduct on the part of the insurer from which might be justly and

reasonably inferred that a forfeiture would not be exacted." (72 Law, p. 298.)

And the Court, in the above cited case, at page 305, said as follows:

"There is always a reluctance on the part of courts to take from the jury as a matter of law, any facts or circumstances from which a waiver may be inferred, and this is shown in the charge to the jury in the case of *Hartford Life Insurance Co. vs. Unsell*, quoted in Justice Harlan's opinion in 144 U. S., 439:

"I do not think that any number of instances, one or more, can be said, as a matter of law, to make, or not to make, a waiver. It is for you, as reasonable men, to consider what the company did intend—what would its conduct make a reasonable man believe in reference to it."

We would also refer the Court to the case of *Orr Trucking, &c. Co., v. Metropolitan, &c. Co.*, in 77 Law, at page 753:

"Waiver of conditions, the performance of which is to take place after a loss has occurred, differ from waiver of conditions which are contained in the policy having to do with the contract itself before loss. The former may be waived by parol." (Citing *Carson v. Jersey City Insurance Co.*, 14 Vroom, p. 300.)

In the case under consideration, the right to recover under the policy had arisen, and the mere filing of the application for the money, was purely a formal matter, and under the cases cited above, it was a question for the jury to say whether or not the deceased, Thomas Doolan, under the facts and circumstances existing in this case, was not led to believe that the Legion

had waived the method of application provided by the by-laws of the defendant.

As was said in the case of *Orr Trucking, &c. Co. v. Metropolitan, &c. Co.*, at the bottom of p. 753:

“The defendant must therefore be deemed to have waived any informalities and defects in the preliminary proofs of loss.”

If the Court will look at the constitution and by-laws, under “Duties of the Secretary,” it will find the following:

“He, (the supreme secretary), shall perform all duties relating to the benefit fund, as directed in the laws of the Legion.”

And again referring to the constitution and by-laws, if the Court will look in the Index, it will refer to the heading marked, “Disability Benefit published in Bulletin,” and it will find the following under that disability heading:

“On the receipt of such official notice of permanent disability application, the Secretary of the Supreme Council shall forward the same to the President of the Supreme Council, who shall make further investigation, if deemed necessary, and on his final approval, he shall direct the Secretary of the Supreme Council, to draw an Order on the Treasurer of the Supreme Council, in favor of the disabled member, etc.”

It appears that Thomas Doolan, the deceased, was an ignorant man, who was neither able to read or write, (see page 24, lines 5-10).

In the above excerpts from the constitution and by-laws, it would appear that the Supreme Secretary had sole charge of performing all duties relating to the benefit fund. In fact, part of his duty charges the Supreme Secretary with

forwarding the disability application to the President of the Supreme Council. It was therefore perfectly natural for Thomas Doolan to believe, and we insist, that as a matter of law, the Supreme Secretary was the man to whom he could make application for the disability benefit; and as the Secretary was to perform all duties relating to the benefit fund of the Legion, he therefore had prima facie authority to receive such application for disability benefit from the deceased, Thomas Doolan. The Supreme Secretary also had prima facie authority to waive the presentation of such application in the method provided by the constitution and by-laws of the Legion, (See 29 Cyc. p. 151, under Authority to Waive Compliance).

The second ground assigned of the Court for non-suiting the plaintiff, was as follows:

“The by-laws provide for a method of appeal within the order itself; and it does not appear that any procedure was taken within the tribunals of the Order.”

In answer to that, we would respectfully submit that the deceased, Thomas Doolan, was not called upon to take an appeal, because the Supreme Secretary told the deceased that the disability benefit would be paid, and there is no evidence whatever that the deceased was ever notified by the Legion that his application for disability benefit would be denied.

As was said in the case of *Bohles v. Prudential Insurance Co.*, 83 Law, page 247:

“The insurer having denied liability on the policy upon the specific ground that it had lapsed and therefore ceased to continue in force made it unnecessary to furnish proofs of the death of the insured in order that the policy may become suable.”

So in the case under consideration, ^tThe Supreme Secretary, having told the insured that the benefit would be paid, made it unnecessary for the deceased to take an appeal within the Order.

It was further said by the Court, that because the deceased had been suspended, and because it was testified to by the daughter that the deceased knew of the suspension, that there must have been some violation of the laws, rules and regulations of the Legion then in force, and if a violation of them, then he was not entitled to anything under the policy.

We would respectfully insist that at the time the deceased made his application for the disability benefit, he was a member in good standing in the Legion, and at the time that the Supreme Secretary informed the deceased that the money would be forthcoming, the right to the money had become vested, and notwithstanding his suspension two or three months later, it would not affect the deceased in his vested right to receive money, and especially is this so, since the deceased was never notified that they disputed his right to the disability benefit, or that his application for disability benefit would be denied.

As was said in the case of *Jones v. Mechanics Fire Insurance Co.*, 7 Vroom, at page 39:

“To prevent such abuse of this right to object, which the insurer undoubtedly has, it must be held that if, after a reasonable time to examine the preliminary proofs presented and received, the insurer does not object, but is silent until his time for payment has expired, or is about to expire, such delay may be considered as evidence from which the jury may infer a waiver of the defects.”

The very object of an organization of this kind, was to protect the insured members from the very disability under which the deceased suffered, and taking into consideration the evidence offered on behalf of the plaintiff, it established the deceased's right to receive the disability benefit, and it is respectfully urged that the non-suit be reversed and a new trial granted.

KALISCH & KALISCH,
Attorneys for Plaintiff.

New Jersey Supreme Court.

OF ERRORS AND APPEALS.

CATHERINE MCGUIRE, Administra-
trix, etc.,

Plaintiff-Appellant,

vs.

CATHOLIC BENEVOLENT LEGION, a
Corporation,

Defendant-Appellee.

Action at
Law.
On Appeal
from
Supreme
Court.

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BRIEF OF DEFENDANT-APPELLEE.

This was a suit by the administratrix for the amount of fifteen hundred dollars (\$1,500.00) alleged to be due to the estate of Thomas Doolan upon a policy of life and benefit insurance for three thousand dollars (\$3,000.00) duly issued by the defendant to the deceased, Thomas Doolan, on or about the sixteenth day of March, eighteen hundred and ninety-one, for which the defendant received or was to receive as a premium the sum of sixteen dollars (\$16.00) per month from said deceased during his lifetime for assuring his life for the said sum of three thousand dollars (\$3,000.00), which it agreed to pay upon his death, or half of said sum upon due proof of the assured's becoming entitled thereto under the provisions of law relative to permanent disability, upon surrender of the Certificate of Policy and acceptance by him of another for one-half of the amount first mentioned.

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The case was tried in Essex County Circuit of the Supreme Court before Judge Nelson Y. Dungan and a jury.

At the close of plaintiff's case, a motion for

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non-suit was made on behalf of the defendant upon the following grounds (page 30) :

1. No evidence was before the Court that the deceased, at the time of his suspension, was entitled to receive disability benefits under the constitution and by-laws of the defendant association.

2. No evidence was before the Court that the deceased pursued his remedy within the order as prescribed by Section 12 of the Constitution.

10 3. The action, if any existed, was a personal one and died with the deceased.

The Court, in granting the motion, touching only upon the first two grounds, said :

20 "The by-laws of the Legion provide, first, a method by which the application for the disability benefits shall be made, and there is no evidence that the application was made in the method provided by the by-laws, which I deem necessary to entitle the plaintiff to recover" (page 31, ll. 35-40, and page 32).

"Second, the by-laws provide for a method of appeal within the order itself (page 32, l. 1). It does not appear that any procedure was taken within the tribunals of the order" (p. 32, l. 20).

From this action of the Court the plaintiff appeals.

30 The constitution and by-laws of 1899, which were admitted and marked Exhibit P-2, not being available owing to the fact that they are out of print, it was stipulated between counsel (p. 38) that the by-laws and constitution dated May, 1914, should be used in their place, subject to the proviso that the defendant has added a clause to the mode of appeal, being Section 5, which section was not contained in the constitution and by-laws of May, 1899, and which section reads as follows :

40 "No claim shall be made against the Legion or any Council or officers thereof until the appeals hereinbefore provided for have been taken and decided."

Facts.

From the Constitution and By-Laws in evidence it appears that the defendant organization was incorporated under the laws of the State of New York on September 3, 1881, and authorized to do business September 12, 1881.

It was admitted at the trial that the policy in question was the policy of the defendant organization (page 9, l. 23), and the by-laws of ~~1889~~ ¹⁸⁸⁸ (Ex. P-2), and revision of May, 1914 (Ex. P-3), were also admitted (p. 9, l. 25), the 1914 by-laws being admitted subject to the proviso by the plaintiff's attorney that "any annulment or narrowing of the rights of the deceased were not applicable to him" (p. 9, l. 30). 10

The plaintiff offered three witnesses, Mabel A. Sawger (p. 9, l. 13), Catharine McGuire, the plaintiff, (p. 13, l. 22), and Julia Walsh (p. 22, l. 30), the last two being daughters of the deceased. 20

Taking the most favorable view of the evidence, it appeared that the deceased was admitted to the defendant organization on March 16th, 1891, the date of the policy (p. 35, l. 13), at the age of fifty-one years according to the testimony of Catharine McGuire (p. 16, l. 1), and at the age of fifty-two years according to that of Julia Walsh (p. 22, l. 33), having been born May 1st, 1839, (p. 22, l. 8, page 29, l. 3), being seventy-two years of age in 1911, when he lived with the witness, Sawger, (page 10, l. 20), and seventy-six when he died on March 15th, 1915, (p. 15). 30

It further appeared that he was disabled to some degree, being afflicted with rheumatism and unable to earn a livelihood, (ps. 10, 14, 16, 17, 22, 23) being supported by the daughters.

Catharine McGuire testified that in 1911 the deceased, accompanied by herself and his other daughter, Julia Walsh, went to Brooklyn to the office of the Supreme Council of the Catholic 40

Benevolent Legion (p. 17) and saw a Mr. Carroll who, it was admitted, was Supreme Secretary of the Catholic Benevolent Legion in 1911 (p. 18, l. 17), and there signed a paper (p. 19, ll. 8-10) which was read by her sister (p. 19, l. 16), after the deceased had told Mr. Carroll about his health and inability to support himself (p. 18, l. 24). This testimony was corroborated by the sister, Julia Walsh, (pp. 23-24), and constitutes the only evidence on that point, the application for disability not being produced nor any evidence that the defendant had been subpoenaed to produce its records, although some testimony was adduced to show one or two subsequent visits by the daughters to Mr. Carroll (page 19, line 36).

It further appeared that previous to his death, the deceased had been suspended for non-payment of assessments (p. 21, l. 24), and the witness, Catharine McGuire, testified that she paid no assessment for the father during the years 1911, 1912, 1913, and 1914 (p. 21), but the witness, Julia Walsh, says the last assessment paid by her, as nearly as she could remember, was in November, 1911, (p. 27), but she admits that she knew that her father had been suspended before his death (p. 28, l. 9), the date being fixed by her as November, 1911, (p. 29, line 1, and line 40), the suspension taking place after the payment of the assessment by her (p. 30, lines 3 and 4), and finally her testimony is that she did not expect any money from the defendant organization (p. 27, line 17).

POINT I.

The deceased was bound by the by-laws of the defendant order either in force at the time of his application or subsequently passed by it.

The policy on which suit is brought (Exhibit P-1) provides it was issued "upon conditions that he will strictly comply with the laws, rules and regulations of the Legion now in force or which may hereafter be adopted by it." (P. 34, line 20-25.) 10

The above provisions in the policy were consented to by the deceased, as the following notation appears thereon: "I accept this certificate on the conditions therein named. Thomas Doolan." (P. 35, lines 21-22.)

A beneficiary certificate was issued upon the express condition that the members shall in every particular comply with all the laws, rules and regulations of the order. The certificate, constitution and standing regulation of the order constitute the contract which controls the payment of benefits. *Grand Lodge vs. Gandy*, 63 N. J. Equity, (18 Dick. Ch., 692), 53 Atl., 142. 20

Where an application for a benefit certificate contained an agreement by the applicant that compliance on his part "with all the laws, regulations and requirements which are or may be hereafter enacted by said order is the express condition upon which I am to be entitled to participation in the beneficiary fund and have and enjoy all the other benefits or privileges of said order", a law of the order subsequently adopted was valid and binding upon one who has obtained a benefit certificate under such an application, *State v. Camden Lodge A. O. U. W.*, 73, N. J. Law (44 Vr.) 500. 30

Where the by-laws of the association is made a part of his contract with his knowledge, the applicant is bound by it. *Donnelly v. Supreme Council, Catholic Benevolent Legion*, 67 Atlantic Reporter, 276. 40

POINT II.

No evidence was before the court that the deceased, at the time of his suspension, was entitled to receive disability benefits under the constitution and by-laws of the defendant association.

The constitution and by-laws which apply are
 10 as follows:

“Article 1, Section 1, page 7. This body shall be known as the Supreme Council, Catholic Benevolent Legion, with power to make its own constitution, rules of discipline, and laws for the government of the entire Legion.”

Section 3, page 8, of the constitution. After providing a fund, it states:

20 “And from such benefit fund, a sum not exceeding \$2,500, may be paid to a member who shall have become permanently disabled from attending to business or gaining a livelihood and who having complied with all its lawful requirements, has arrived at the age of expectancy as fixed by the printed table in our laws.”

By Section 8 of Chapter 1 of the laws, pages 42-43, after providing for a death fund and grades in which the members shall be divided, it is provided that

30 “one-half of the amount of each grade, less any charges against his benefit certificate, may be paid to a member of that grade who shall become permanently disabled from attending to his business and gaining a livelihood and is destitute of the means of support when he shall have arrived at the age of expectancy, as determined in the following table, unless otherwise provided by the law of the State in which the Council is located, in which case the age of
 40 expectancy shall conform to the laws of said State.”

Section 12 of Chapter 1, page 46, provides the method whereby an application shall be made by a member for a permanent disability benefit to the Local Council and regulates the manner in which, after the application has been made, the local officers shall proceed in connection with such application, and is as follows:

“Sec. 12. When application shall be made by a member for a permanent disability benefit the President of the Council of which he is a member shall appoint a committee of three, who, with the Medical Examiner, shall investigate the application and report in writing to the Council the nature, cause, duration, and all other circumstances attending such disability. The Secretary of the Council shall notify all other Councils within the district of such application and give the names and addressess of the members of the Committee so appointed and the President of each of the Councils so notified shall appoint a member of his Council to act in an advisory capacity with the investigating committee of the Council of which the applicant is a member. If the report of such committee be in favor of the application the President shall announce that a ballot upon the granting of the same shall be taken at the next stated meeting of the Council. At the next stated meeting such ballot shall be taken under the same rules as govern the ballot for admission to membership. If the application be granted by the Council, notice of such action shall be forwarded to the Secretary of the Supreme Council in the same manner as in case of death as provided for in Section 9, so far as applicable. On the receipt of such official notice of permanent disability application, the Secretary of the Supreme Council shall forward the same to the President of the Supreme Council, who shall make further investigation if deemed necessary and on his final approval he shall direct the Secretary of the Supreme Council to draw an order on the Treasurer of the Supreme Council in

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10 favor of the disabled member for one-half the amount of the Benefit Certificate less any charges against said certificate. The Secretary of the Supreme Council shall thereupon draw such order for the amount specified and on receipt of the Treasurer's check, properly countersigned, forward it to the Treasurer of the Council of which the applicant is a member. The decision of the President in allowing or disallowing claims for permanent disability benefits shall be final and binding if no appeal be taken to the Supreme Council. Appeals may be taken in such cases to the Supreme Council within thirty days after notice of the President's decision shall have been given the applicant; and the decision of the Supreme Council on such appeals shall be final."

20 Section 24 of the laws, page 52, provides that a member in good standing who shall arrive at the age of seventy, not having received any permanent disability benefits may, at his option, upon the payment of all dues and assessments then due, surrender his benefit certificate to the secretary of his Council and, if a member at large, to the Supreme Secretary, and have issued to him in place thereof, a new benefit certificate for one-half face value of the certificate so surrendered less any charges against the same "and defines his rights thereafter".

30 Section 3 of article 7 of the subordinate constitution, page 97, provides that a member of the Legion who has been suspended forfeits all rights and interest in the benefit fund and in the Legion during suspension.

Above regulations were not complied with in the following respects:

40 (A.) No sufficient proof was produced as to the age of the deceased or that he had arrived at the age of expectancy, as set out on page 43 of the by-laws in which for one fifty-one years of age at the time of admission to the order, it is given as

20.2, so that the applicant in September, 1911, must have been 71.2 years of age or 71 years, 2 months, and 12 days of age in order to entitle him to permanent disability. Or, if he were 52 at the time of admission to the order, the table gives the age of expectancy as 19.5 years, so that in September, 1911, he had to be 71.5 years or 71 years and 6 months of age.

Assuming that his birthday was correctly given as May 1, 1839, if 51 when admitted he would have arrived at the age of expectancy and contrary if 52. No definite proof being advanced and there being conflicting testimony on the subject, the court should find that he was not entitled to apply for permanent disability. **10**

(B.) Applicant did not comply with the mode of procedure because his application, if any were made, according to the testimony was made to the Supreme Council in Brooklyn instead of to the Local Council in Woodbridge, as above provided. **20**

(C.) He did not surrender his certificate or policy of insurance because it was still in the possession of his daughter as administratrix at the time of trial, being produced by her.

(D.) At the time of his application, he had been suspended for the non-payment of assessments as provided in Section 3 of Article 7, page 97. *American Council vs. National Council, O. U. A. M.*, 63 N. J. L. (34 Vr. 52) 43 Atl., 3. *O'Toole vs. Jennings, et al*, Massachusetts, 106 N. E. Reported 601. **30**

(E) No proper proof was furnished that the applicant was destitute of support and unable to earn a livelihood inasmuch as these questions must be passed upon by a committee appointed by the president of local council for that purpose.

POINT 3.

No evidence was before the court that the deceased pursued his remedy within the order as prescribed by Section 12 of the Constitution.

10 It is well settled law in this State that members of an organization may pass regulations governing the transaction of the internal affairs of the organization and in this case this was done and can be found in Section 2 of Article 1 of the Constitution which says, "It (Supreme Council) shall be the body to which final appeal shall be made on all matters of importance emanating from State or subordinate councils." Section 12, above mentioned, provides a full and complete method of procedure for the applicant and for appeal should his claim be rejected.

20 From the testimony it appears that nothing was done except to make, under the most favorable view, an application to the secretary of the Supreme Council and, notwithstanding the applicant lived for three and one-half years afterward, he took no steps whatever to enforce his rights either within the organization or by redress to the courts.

30 As to the proposition that such a regulation will be recognized by the courts and that he must exhaust his remedies within the order before applying thereto, the Supreme Court has said:

40 "Members of fraternal beneficiary associations may lawfully agree as part of their scheme of organization to submit their domestic grievances in the first instance to the internal tribunals of their order and, having so acted, cannot, against the protest of the association, maintain a civil action against it until the condition precedent has been in legal contemplation complied with. (*Ocean Castle No. 11, Knights of the Golden*

Eagle vs. Smith, 58 N. J. Law [29 Vr., 545]; 33 Atl., 849) and this Court affirmed the decision of the Supreme Court in the same case, it being reported in 59 N. J. Law (30 Vr., 198); 35 Atl., 917. See also *Roxbury Lodge vs. Hocking*, 60 N. J. Law (31 Vr., 439); 38 Atl., 639."

State ex rel Vannatta vs. Smith, 61 N. J. Law (32 Vr., 188); 38 Atl., 811;

Grand Castle of the Golden Eagles vs. Bridgeton Castle No. 13, Knights of the Golden Eagle, N. J. Chancery, 40 Atl., 849; 10

Grand Lodge vs. Gaddis, 65 N. J. Equity (20 Dick. Chancery, 1); 55 Atl., 465.

The duty of an expelled member to exhaust by appeal or otherwise all the remedies within the organization arises only where the association is acting strictly within the scope of its powers. Bacon on Beneficiary Societies, paragraph 107, cited with approval by this Court, in *Supreme Lodge of Knights of Pythias of the World vs. Eskholme*, 35 Atl., 1055; *Correia, et al., vs. Supreme Council, etc., Supreme Judicial Court of Massachusetts*, 105 N. E. Reporter, 977. 20

The rule is further stated in Cyc., Volume 29, pages 204 to 206, as follows:

"Unless there is some good excuse for not doing so, if the constitution and by-laws provide a tribunal to hear and determine grievances with or without a remedy by appeal to a higher tribunal of the society, such remedies must be exhausted before relief is asked of the civil courts. * * * Likewise, this rule as to exhausting internal remedies is applied where a recovery of benefits from the society is sought." 30

Finally.

In an action against this same defendant, decided by the Court of Appeals of Maryland on June 25th, 1907, the Court, after reviewing the same set of by-laws and constitution now in dispute, says (*Donnelly vs. Supreme Council Catholic Benevolent Legion*, Court of Appeals of Maryland, June 25th, 1907) :

10

“Where the tribunals of a mutual benefit society have power to decide a disputed question, their jurisdiction is exclusive, whether there is a by-law stating such decision to be final or not, and the courts cannot be invoked to review their decisions of questions coming properly before them except in cases of fraud.

20

“Where, at the time a person joined a mutual benefit association, there was a by-law limiting the members who could receive benefits for permanent disability to attend to business or to gain a livelihood, to those who were destitute of the means of support when they arrived at the age of expectancy, and the by-law was made a part of his contract with his knowledge, he is bound by it.”

67 Atlantic Reporter, 276.

30

JAMES A. BUTLER,
Attorney and Counsel
for Defendant-Appellee.

40

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Notice of Appeal.

Notice of Appeal.

Filed July 31, 1916.

New Jersey Supreme Court.

10

CATHERINE MCGUIRE, adminis- tratrix, etc., <i>Plaintiff-Appellant,</i> <i>vs.</i> CATHOLIC BENEVOLENT LEGION, a corporation, <i>Defendant-Appellee.</i>	}	<i>Action at Law.</i> <i>Notice of Appeal.</i>
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TO BUTLER & BROWN, ESQS., *Attorneys of De-* 20
fendant-Appellee.

SIRS:

PLEASE TAKE NOTICE that the above named plaintiff appeals to the New Jersey Court of Errors and Appeals from the whole of the judgment entered in this cause on the following grounds:

1. Because the Trial Court granted the motion of the defendant-appellee to non-suit the plaintiff. 30

2. Because the Trial Court refused to submit the case to the jury, although requested so to do by the plaintiff-appellant.

Respectfully yours,

KALISCH & KALISCH,
Attorneys of Plaintiff-Appellant.

Dated July 29, A. D. 1916.

40

Complaint.

Summons.

Issued May 13, 1915.

NEW JERSEY SUPREME COURT.

10

ESSEX COUNTY.

CATHERINE McGUIRE, adminis-
tratrix, etc., of THOMAS DOO-
LAN, deceased,

vs.

CATHOLIC BENEVOLENT LEGION.

*Judgment
Record.*

*Judgment of
Non Suit.*

On Postea.

20

BUTLER & BROWN, Attorneys.

Catholic Benevolent Legion, the defendant in this cause, was summoned to answer unto Catherine McGuire, administratrix, etc., of Thomas Doolan, deceased, the plaintiff therein, in an action at law upon the following complaint:

(Summons issued May 13, 1915.)

Complaint.

30

Filed April 12, 1916.

Plaintiff, residing in the City of Perth Amboy, County of Middlesex, and State of New Jersey, says that:

I: On the 16th day of March, 1891, by a certain instrument or policy of life and benefit insurance, which the said Catholic Benevolent Legion then and there caused to be signed by Richard B. Tippet, then and there the president of

40

Complaint.

said company, and attested by John D. Carroll, then and there being the secretary of said company, which said instrument or policy of life and benefit insurance, the said plaintiff now brings here into court, bearing date, to wit, the day and year aforesaid, wherein it was witnessed that the said Catholic Benevolent Legion had received from one Thomas Doolan the sum of sixteen dollars a month, wherein by said instrument or policy of life and benefit insurance it was therein stated that for and in consideration of a like monthly payment of sixteen dollars a month, during the lifetime of the said Thomas Doolan, said payment being as and for premium for assuring the sum of Three Thousand Dollars upon the life of the said Thomas Doolan, and half of said sum upon due proof that the said Thomas Doolan shall become permanently disabled, and be destitute of means and support, and unable to earn a livelihood during the continuance of said policy, upon consideration of the payment of said premiums mentioned aforesaid, it would make the payments aforesaid.

2. That in the month of April, 1911, the said Thomas Doolan became permanently disabled from earning a livelihood, and was destitute of means of support, and immediately notified the defendant of said condition and furnished due proof of his condition and declared that he was entitled to the disability benefit under said policy issued by said defendant to him, and the said plaintiff avers that the said Thomas Doolan paid up each and every monthly premium prior to his permanent disability, and that at the time of his permanent disability he was a member in good standing, and entitled to the benefits as provided for by the defendant, to *bona fide* members.

Complaint.

3. And the said plaintiff further avers that by reason of the said policy of insurance and the covenants and agreements therein contained, and according to the constitution and by-laws of the said Catholic Benevolent Legion, the said defendant, upon due proof of the permanent disability of the said Thomas Doolan, and upon due proof of the fact that the said Thomas Doolan was destitute of means of support, became liable to the said Thomas Doolan in the sum of fifteen hundred dollars, which was half of the amount of the total insurance, and that lawfully the said Thomas Doolan conformed to and paid all the premiums due upon said policy of insurance, and that although the said Thomas Doolan had in all things conformed himself to and observed all and singular the said articles, stipulations, matters and things which were upon his part to be observed and performed according to the form and effect of the said deed or policy of insurance, and said constitution and by-laws; yet, the said plaintiff says that the said Thomas Doolan was not, by the said Catholic Benevolent Legion, been paid and made good his damage and loss by the permanent disability of the said Thomas Doolan, and his inability to earn a livelihood, and the further fact that the said Thomas Doolan was destitute of means of support, but the same and every part thereof is wholly unpaid and unsatisfied, nor has the said plaintiff, by the said Catholic Benevolent Legion, been paid and made good her damage and loss by the disabilities of the said Thomas Doolan; but the same and every part thereof is wholly unpaid and unsatisfied.

Answer.

4. The plaintiff avers that the said Thomas Doolan died on the 3rd day of March, 1915, at Perth Amboy, New Jersey.

5. And the plaintiff brings into court letters of administration granted on the estate of the said Thomas Doolan, deceased, whereby it fully appears to the said court that the said plaintiff is administratrix of the said Thomas Doolan, deceased. 10

6. Plaintiff demands as damages the amount due thereon, being fifteen hundred dollars, with interest.

KALISCH & KALISCH,
Attorneys of Plaintiff.

Dated April 12, 1916.

20

Answer.

Filed April 12, 1916.

The defendant, a society incorporated under the laws of New York, says that:

1. It denies the statements contained in paragraph one.

2. It denies the matter contained in paragraph two.

3. It denies the matter contained in paragraph three. 30

4. Defendant has not any knowledge or information thereof sufficient to form a belief of the truth or falsity of statement contained in paragraph four.

5. Defendant has not any knowledge or information thereof sufficient to form a belief of the truth or falsity of statement contained in paragraph five. 40

Answer.

And, by way of defense, the defendant corporation says that:

10 First Defense. The defendant corporation will object that the complaint discloses no cause of action; it fails to show that the decedent, Thomas Doolan, was ever destitute of means of support, as provided for in section 8, article I of the laws of the defendant corporation, which is attached to and made part hereof, which was necessary in order that he be entitled to disability benefits.

20 Second Defense. The defendant corporation will object that the complaint discloses no cause of action, in that it fails to show that the decedent, Thomas Doolan, at the time of his death, was a member in good standing and entitled to any benefits as provided for by the defendant corporation to *bona fide* members.

Third Defense. The defendant corporation will object that the complaint discloses no cause of action, in that it fails to show that the decedent, Thomas Doolan, had exhausted all the remedies for appeal provided by the laws of the defendant corporation in endeavoring to collect disability benefits.

30 And, by way of further defense, the defendant says that:

1. The decedent, Thomas Doolan, was not a member in good standing of the defendant corporation at the time of his death, in that he had been suspended on November 6, 1911, for non-payment of assessment and was, therefore, not entitled to any benefit, as provided for in the laws of the defendant corporation.

40 2. The decedent, Thomas Doolan, or administratrix, is not entitled to apply for disability benefits to the defendant corporation in that at

Answer.

the time mentioned in the complaint, the 6th day of April, 1911, he had not arrived at the age of expectancy (seventy-one years), as provided for in section 8 of article I of the laws of the defendant corporation.

3. The decedent, Thomas Doolan, never made application to the defendant corporation, its agents, or officers, for disability benefits as provided for in the laws of the defendant corporation. 10

4. The decedent, Thomas Doolan, on the 16th day of March, 1891, signed his name to, and agreed to abide by, the constitution and laws of the defendant corporation and was bound thereby.

5. Disability benefits are only payable to members during their life and on personal application, as provided for in the laws of the defendant corporation, and the decedent, if he had any claim for disability benefits, failed to prosecute such claim. 20

6. The disability benefit claimed by this plaintiff was a purely personal action of the deceased, Thomas Doolan, and died with him.

7. Plaintiff failed to allege or show that she was or is a dependent of the deceased, Thomas Doolan, as required by article II of the supreme constitution of the defendant corporation. 30

BUTLER & BROWN,
Attorneys for Defendant.

(Filed May 2, 1916.)

Judgment.

Judgment.

This case was tried before Judge Dungan with a jury, at the Essex Circuit of the Supreme Court, on June 21, 1916.

10 The presiding judge directed a non-suit against the plaintiff and in favor of the defendant.

Whereupon it is adjudged that the complaint of the plaintiff be dismissed.

No costs.

Judgment entered July 29, 1916.

WM. S. GUMMERE, *C. J.*

20

30

40

Mabel A. Shawger, direct.

NEW JERSEY SUPREME COURT,
ESSEX CIRUT.

KATHERINE MCGUIRE, adminis-
tratrix,

vs.

CATHOLIC BENEVOLENT LEGION.

10

Transcript of shorthand notes of testimony,
and so forth, taken in the above entitled cause,
upon the trial thereof, at the Court House,
Newark, N. J., June 21, 1916.

Before Hon. Nelson Y. Dungan, judge, and
a jury.

Kalisch & Kalisch for plaintiff.

Butler & Brown for defendant.

20

Mr. Kalisch opened for plaintiff.

Mr. Butler opened for defendant.

By consent the policy in question is admitted
as being the policy of the organization.

The by-laws of 1899, and revision of May,
1914, are also admitted.

Mr. Kalisch. The by-laws of 1914 are ad-
mitted with this provisio, that any annul-
ment or narrowing of the rights of the de-
ceased are not applicable to him.

30

The policy is marked Ex. P. 1.

The constitution of 1899 is marked Ex. P. 2.

The constitution of 1914 is marked Ex. P. 3.

MABEL A. SHAWGER, sworn for the plain-
tiff.

Direct examination by Mr. Kalisch.

Q Mrs. Shawger, where do you live? A
192 South Twelfth street, Newark.

40

Mabel A. Shawger, direct.

Q Did you know Thomas Doolan in his lifetime? A Yes.

Q Where was he living at that time? A At the corner of Eleventh street and Warren.

Q How long had you known Thomas Doolan? A I lived in the house with him for more than a year.

Q What was his age at the time you knew him, if you know?

Objected to.

The Court. I sustain the objection; it should be preceded by the question, "Do you know."

Q Did Mr. Doolan ever tell you how old he was? A Yes, he did.

Q How old did he say he was? A When I first knew him he was seventy-two.

Q How long ago was that? A That was in 1911.

Q That is when you were living in the same house? A I lived in the same house.

Q What was his condition as regards his health, if you know?

Mr. Butler. I object until they show some evidence to the Court that they had made application for this benefit.

Mr. Kalisch. This witness is taken out of turn because she wishes to get away; I promise to make it up afterward.

The Court. Under those circumstances it will be admitted.

Q What have you to say as to his health when you knew him? A Well, he was crippled with rheumatism when I knew him.

Q Very much crippled? A Oh, yes.

Mabel A. Shawger, direct.

Q Could he get around? A Not very well; I, myself, helped him upstairs many a time.

Q Did he use any aid to get around? A Yes.

Q What did he use? A He used a cane, and could scarcely walk at times.

Q Do you know whether he worked then? A 10
Oh, he could not work.

Q Did he say why he could not work? A Well, he was unable to work.

Q Why was he unable to work? A Simply that he could not walk; he was all crippled up.

Q Now, do you know when Mr. Doolan died? A Yes.

Q How long after you first knew him was it that he died? A 20
In 1915, I think it was, he died.

Q Was there anything ever said by Mr. Doolan about applying for disability under—
A Yes.

Mr. Butler. Now, I object.

The Court. How is that competent, what he said?

Q Do you know whether Mr. Doolan did anything to get disability benefit under a policy? A 30
I remember the date that his daughter went with him to apply for it.

Mr. Butler. I object to that, and ask it be stricken out.

Q How do you know that? A Why, I lived in the house with them, I saw them every day, we were just like one family. I saw them getting ready to go the very morning he told me that is where they were going.

Q He told you, did he? A Why, yes. 40

Mabel A. Shawger, cross.

Mr. Butler. Objected to.

The Court. That will be stricken out.

Cross examination by Mr. Butler.

Q When did you meet this Thomas Doolan?

A When I first lived in the house with Mrs.—

10 Q Yes, but what date was that? A That was in 1911.

Q What month? A I don't just remember what month.

Q You can't remember what month, but had you moved into that house, or did they move there? A No, we moved there.

20 Q And you can't remember the month it was in? A I can't remember exactly the month it was, no, I can't. I have had a good deal of trouble, and can't remember the month, but it was the early part of the year.

Q How long did you live in that house? A I lived in that house for a year; over a year.

Q Did you leave that house first, or Mr. Doolan? A I left it first.

Q Do you remember what month you left this house? A No, not particularly; it was in the fall, I believe.

30 Q And you moved there the early part of the year? A Yes.

Q And left there in the fall, and you can't remember the month you came or left, can you? A Well, it was in the early spring when I moved in, and I should say it was around October when I left.

Q When Mr. Doolan moved from the house, do you remember when he moved? A I moved first.

40 Q Where did you move to? A I went to Philadelphia.

Katherine McGuire, direct.

Q How long did you live in Philadelphia?

A I was in Philadelphia a year, about a year.

Q Where did you go from Philadelphia? A Back to Newark again.

Q And where did you go to when you moved back to Newark? A If I am not mistaken I moved down on Sherman avenue.

10

Q How near was that to the house you formerly lived in with Mr. Doolan? A Quite some distance.

Q From the time you left this house in October, how many times did you see this Mr. Doolan up to the time of his death? A I didn't see Mr. Doolan after that.

Q You didn't see him after that? A No.

Q You don't know what his condition was after you left, do you? No, but I do before I left.

20

Q Yes, but not since you left? A No.

Q Now, Mrs. Shawger, you say that he was crippled with rheumatism; how do you know it was rheumatism? A Well, in talking with me he explained it as rheumatism.

Q That is all you know about it, what he told you? A Why, yes.

Q Now, Mrs. Shawger, were any of your relatives members of the Catholic Benevolent Legion? A No.

30

Q None of them members? A No.

KATHERINE McGUIRE, sworn for the plaintiff.

Direct examination by Mr. Kalisch.

Q Mrs. McGuire, are you the administratrix of Thomas Doolan? A Yes.

It is admitted that the witness was duly appointed administratrix.

40

Katherine McGuire, direct.

Q Thomas Doolan was your father? A Yes.

Q And where do you live? A Perth Amboy.

Q Did you at any time live in Newark? A No, sir.

10 Q Always lived in Perth Amboy? Did you visit your father during his lifetime? A Yes.

Q And where did you visit him? A Why, in Newark, at my sister's.

Q And can you tell what period of time you went there, what year it was that you used to call at your father's, at your sister's home? A Well, I can't remember.

Q Well, was it a year ago, two years ago, three years ago? A It was three years ago.

20 Q And can you state what your father's health was then? A Very poor.

Q What was the matter with him? A Why, rheumatism.

Q Was he able to walk about? A No, sir.

Mr. Butler. I object to any questions along this line, unless some evidence is shown that at the time referred to this man was a member of this organization.

30 Q Do you know whether your father was a member of the Catholic Benevolent Legion? A Yes.

Q Do you know how long he was a member of that Legion? A Why, for over twenty years.

Q And did he always pay the premiums on the policy?

Mr. Butler. Objected to, unless she knows.

40 *The Court.* I will sustain the objection, unless it shall first appear that she knows this of her own knowledge.

Katherine McGuire, direct.

Q How do you know that your father was a member of this Legion? A Why, since I was a small child.

Q Well, did you do anything to this Legion which would make you understand that he was a member of this Legion? A Why, yes, I paid some of it. 10

Q Paid some of what? A To the Legion.

Q Of the dues? A Yes.

Q And how often did you pay the dues? A Why, there was two assessments a month.

Q During what years was it that you paid the dues? A Well, that I can't remember.

Q Can't you remember whether it was 1915, or 1914, or 1913? A No, I can't remember.

Q Do you know how old your father was when he joined the Catholic Benevolent Legion? 20

Mr. Butler. Objected to unless it is shown she knows the date when he joined.

Q Do you know when he joined the Legion?

The Court. Does not the policy show?

Mr. Kalisch. Yes, it shows. The 16th of March, 1891.

Q How old was your father then? A Why, seventy-two.

Q No; that is when he joined; how old was he on that date? 30

The Court. It is twenty-five years ago, just a little short of twenty-five years.

A He was seventy-six when he died.

Q (*By the Court.*) When was that? A On March 15th.

Q March 15th, what year? A Last year.

Q 1915? A Yes.

Q (*By Mr. Kalisch.*) Cannot you tell us how old your father was when he joined? 40

Katherine McGuire, direct.

The Court. We can figure back twenty-five years. If he was seventy-six, then he was fifty-one.

Q And you do not remember what year you paid the premium? A No, I can't remember.

10 Q Do you remember when he was expelled from the order?

Mr. Butler. I object unless they can show that there was an expulsion.

The Court. Yes, that fact should be shown first.

(Question withdrawn.)

Q How often during the continuance of this policy did you see your father? A Did I see my father?

20 Q Yes. A Well, I saw him most every week, until two years before he died; then he lived with me.

Q The last two years, then, he lived with you? A Yes.

Q And where was that? A 334 High street, Perth Amboy.

Q Did he work when he lived with you? A No, sir.

30 Q What was the trouble with him? A He was unable.

Q Why was he unable? A He had rheumatism.

Q How did he support himself?

Mr. Butler. I object to this line of questions until they have shown this man has made an application to the Legion for benefits under this policy.

40 *Mr. Kalisch.* I told your Honor I would put this in afterwards.

Katherine McGuire, direct.

The Court. If they do not show that of course their case fails.

Q Who supported him? A Why, me and my sister.

Q Did he earn any money for himself? A He could not.

Q Well, did he? A No. 10

Q Now, Mrs. McGuire, do you know of any time that your father applied for disability under his policy? A Yes.

Mr. Butler. I object, unless the witness says she was there and saw the papers.

The Court. She says, "Yes," she does know.

Q Where was your father living at that time?

A At that time he was living with my sister in Newark. 20

Q And were you with your father when he made the application? A Yes.

Q Where did you go from? A Why, I came from Perth Amboy to Newark, and my father and sister were ready, and we went over to Brooklyn.

Q Do you remember when that was, how many years ago? A I don't exactly remember how many years ago. 30

Q Do you remember what year it was, 1910, 1911, 1912? A I think it was 1911.

Q Can you state what month it was? A Not exactly, but it was—

Q Well, was it in the fall or winter? A It was in the fall.

Q And you and your father and sister went to Brooklyn? A Yes.

Q And where did you go in Brooklyn? A We went to the office of the Catholic Benevolent Legion. 40

Katherine McGuire, direct.

Q Do you remember where that was, what street it was on? A I don't remember what street it was on, but I remember we went up a stairs.

Q And who did you see there? A A man by the name of Mr. Carrall.

10 Q Do you know who Mr. Carrall was? A No, sir, not at the time; my father introduced me.

Q He introduced you? A Yes.

Q How did he introduce you? A He said this was the Supreme Secretary.

Mr. Butler. We admit that John B. Carrall in 1911 was supreme secretary of the Catholic Benevolent Legion.

20 Q You saw Mr. Carrall, did you? A Yes, sir.

Q Did your father say anything? A Yes; he spoke to him about him not being able to work.

Q Did he say anything about his health? A Yes; he said he was in very poor health, and that he had no support whatever. only his two daughters, who looked after him, as he always looked to this society to get some help.

30 *Mr. Butler.* That is objected to, and asked to be stricken out.

The Court. It will be stricken out unless it is what he said.

Q This is what he said, is it? A Yes, sir.

Q Did he say anything about his ability to work?

Mr. Butler. I object to leading question.

40 *The Court.* Yes; what he said would be better.

Katherine McGuire, direct.

Q Now, what did Mr. Carrall say to that, if anything? A Mr. Carrall talked it over with papa, and he said that he didn't see why he should not get some benefit out of it, as he paid in so long; and he signed some paper which I don't know what it was.

A He signed some paper? A Mr. Doolan 10
signed some paper for Mr. Carrall.

Q Did Mr. Carrall ask him to sign it? A Yes, he asked him to sign some paper.

A You say you don't know what it was? A No, I didn't read it.

Q Did anybody read it? A Yes, my sister.

Q Did you see your father sign the paper? A Yes, papa signed the paper.

Q What did you do then? A Why, he kept waiting for an answer, to hear from them, but he never seemed to get an answer, but he kept saying all the time that he would pay him some of this money. 20

Q Who kept saying he would pay it? A Why, Mr. Carrall.

Mr. Butler. I ask that that last question and answer be stricken out, unless it can be shown that she heard Mr. Carrall say it.

Q Did Mr. Carrall say it in your presence, that he would pay it? A Why, certainly. 30

Q How does it come about that he said he would pay this money? Did you go over there again? A Yes.

Q How soon after the first time you had gone there did you go there again? A Why, about a month and a half after.

Q Did you go there alone, or with somebody? A No, my sister.

Q And who did you see? A Why, Mr. Carrall. 40

Katherine McGuire, direct.

Q And what did you say to Mr. Carrall? A He said he would look it up, that he didn't see why he shouldn't get some benefit.

Q Anything else said? A No, not that I remember.

10 Q Well, then, you went back home, did you, and did you inquire again about the money, or was that all? A Yes; papa wrote several times, and each time he got an encouraging letter, but nothing came of it.

Mr. Butler. Objected to, unless the letters are produced.

The Court. That will be stricken out.

Q Where are the letters? A They are mislaid; I haven't them.

20 Q Did you read the letters? A Yes, I read them to him.

Q Now, what did the letters say?

Mr. Butler. Objected to.

The Court. I sustain the objection.

Mr. Kalisch. If the letters are lost, your Honor; she read them over.

The Court. That is not all that is necessary.

30 Q Have you a copy of any of those letters which you wrote to the Legion in regard to this claim? A No.

Q Have you any of the answers which you got from the Legion? A No, I haven't; they were mislaid.

Q What did you do with them? Can you find them, or where are they? A No, I can't find them.

Q Do you know whether or not your father got this money? A No, papa never received it.

Katherine McGuire, cross.

Cross examination by Mr. Butler.

Q When was the last time you went over to the office of the Catholic Benevolent Legion, what year, I mean? A Why, I think it was in 1912.

Q And you say the first visit you made was 1911, with your father and your sister? A Yes, sir. 10

Q Do you remember what month it was? A In the fall.

Q And do you remember what month in 1912 was the last time that you went over to that office? A Yes, I think it was in February.

Q And how many times between the first time that you went there, in the fall of 1911, and February, 1912, did you go over to the Brooklyn office? A That was the third time. 20

Q Were you with your father at the time of his death? A Yes.

Q Did you know, previous to his death, your father had been suspended for not paying dues to the Catholic Benevolent Legion? A Well, yes, but he couldn't pay them.

Q Do you know of your own knowledge when he was suspended? A No.

Q Did you during the year 1911, yourself pay any of the assessments for your father? A No; I think my sister had. 30

Q I am asking did you? A No.

Q Did you during the year 1912 pay any assessment for your father? A No.

Q Did you during the year 1913 pay any assessments for your father, or 1914? A No.

Q Now, Mrs. McGuire, do you know in what year your father was suspended? A No, I don't remember.

Q Do you know whether it was 1911 or 1912? A No, I don't remember. 40

Julia Walsh, direct.

Q Where was your father born, if you know?

A In Ireland.

Q Do you know what year, or what month, and what year, your father was born? A On the 1st day of May, 1839.

By the Court.

10 Q How do you know that, Mrs. McGuire? A That is what papa always told us; we always kept it.

By Mr. Butler.

Q Had you any other means, except that your father told you, for fixing the time, month and year, that your father was born? A No.

Q Do you remember the time that your father made application to the Catholic Benevolent Legion? A No.

20 JULIA WALSH, sworn for the plaintiff.

Direct examination by Mr. Kalisch.

Q Mrs. Walsh, you are the daughter of Thomas Doolan? A Yes, sir.

Q And where do you live? A 120 South Eleventh street, city.

Q Do you know whether or not your father was a member of the Catholic Benevolent Legion? A Yes, sir, I do.

30 Q And do you know how old your father was when he joined the Legion? A When he joined?

Q Yes. A Fifty-two.

Q And did he reside with you a number of years? A Yes; during the last of his years, with the exception of two, he made his home with me, because I simply had to support him; that was all.

40 Q What was the trouble with him? A He was disabled with rheumatism for many years.

Julia Walsh, direct.

Q Who paid some of the premiums on this policy?

Mr. Butler. Objected to, unless it is shown that she knows.

A Yes, sir. I did.

Q You say he was crippled with rheumatism; did he work? A Oh, no. 10

Q Who supported him? A My sister and I; very little support from sister; he depended entirely on me.

Q Do you know whether or not he made application for disability benefit? A He positively did.

Q And why did he make application? A He had no support whatever, and he was entitled to it.

Mr. Butler. That is objected to. 20

The Court. It will be stricken out.

Q You say he had no support whatever? A No support whatever.

Q Could he work? A No, sir.

Q And did he have any income from any source? A No income whatever.

Q Did the rheumatism trouble him very much? A He was simply so we had to help him up and downstairs. 30

Q In what way did he make application for disability benefit? A Well, he got those inquiries from the council he belonged to, No. 120, and we went over to Brooklyn to see what they called the Supreme Council, a man by the name of Carrall.

Q Who went over? A My sister and I.

Q And do you know how old your father was when you went there? A Well, I can simply 40

Julia Walsh, direct.

state what he told Mr. Carrall at the time he made the application; he said he was seventy-two.

Q You said about signing an application, how do you know it was an application? A Well, the poor old soul couldn't read or write, he
10 simply asked me to look it over for him.

Q Did you read it? A I did; I looked it over, and then Mr. Carrall said, "Sign your name here, old man."

Q And your father signed? A He signed, surely did.

Q What was the application for? A It was for a disability clause.

Q Well, any further conversation on that first visit? A Yes; they had quite a conversation before the application talk took place; Mr.
20 Carrall asked him many questions; he had been there a long while; asked him how old he was when he joined.

Q What did your father say he was when he joined? A He said he was fifty-two, and Mr. Carrall said, "Oh, then you are with us quite awhile, Mr. Doolan, and we will take care of you."

Q What else did he say to you? A Why,
30 he asked him what his support was; that he had no income from any source; and he explained thoroughly the situation. He said he had no income, depending solely on me, could not expect anything, he said, from my sister, because her family was so large, and she was a widow, no support whatever, she had; but I had to take care of him in the last years of his life.

Q Did he tell Mr. Carrall what the trouble was? A Yes; Mr. Carrall could readily see.
40 Didn't he help him downstairs?

Julia Walsh, direct.

The Court. That will be stricken out.

Witness. He said how long he had been suffering with rheumatism; how long he had been doctoring, and could not seem to get any relief from it.

Q You say Mr. Carrall helped him downstairs? A Yes; he was awful nice, a perfect gentleman. 10

Q And your father signed the application, did he? A Yes.

Q In your presence? A In my presence.

Q What did you do then? A We had a little chat afterwards, and then we started home.

Q Did you make any other visit to the— A Well, shortly after.

Q How long after?

The Court. She had not stated when this was, first. 20

Q Can you give us the time this first visit was made? A The first part of September, 1911.

Q Now, you say you made a second visit there? A Yes, sir.

Q When was that? A It was shortly after, about a month after; it was in October.

Q And who did you see? A Why, we saw Mr. Carrall. 30

Q And did you have a talk with him? A Yes, short, he was in a hurry, he was going out that morning, it was early in the morning; he said, "It isn't necessary to come over, I will attend to that as soon as possible, but you know it takes time." Those are the very words he said.

Q Did he say anything about the money? A He said, "We will attend to that." We asked 40

Julia Walsh, cross.

him when Dad would expect to get that money he applied for. "Well, now," he says, "girls, you know it takes time."

Q Then you went home, did you? A Yes.

Q Now, at the time you went over, his dues were all paid up, were they? A He was in good standing at the time, yes.

10

Mr. Butler. I object to that and ask it be stricken out, unless she can show how she knows he was in good standing.

Witness. Why, I paid the premium.

Q You paid it? A Surely.

Q Where did you pay it? A In council No. 120, collector Michael Hallohan, of Woodbridge, New Jersey.

Q Is that the man you had always paid your premium to? A Oh, no, they had other collectors.

20

Q Was he one of the collectors? A He was one of the collectors, and one of my witnesses had he not passed away.

Mr. Butler. I ask that be stricken out.

The Court. It will be stricken out.

Q How do you know Mr. Hallohan was one of the agents to receive money for the Catholic Benevolent Legion? Had you paid him before? A Oh, yes.

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Mr. Butler. It is admitted that he was the collector of that council, and the proper person to pay assessments to.

Cross examination by Mr. Butler.

Q Mrs. Walsh, you are related to the deceased? A Oh, yes, sir, daughter.

Q Now, you say you went over to the Supreme office with your father and sister? A Yes.

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Julia Walsh, cross.

Q And that you met a Mr. Carrall, and Mr. Carrall said he would take care of this matter?

A Yes.

Q And when was it you paid the last assessment, Mrs. Walsh? A The last assessment, I think, if I remember right, was in November.

Q Of what year? A 1911.

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Q And did you expect that money from the Catholic Benevolent Legion in 1912? A He had applied to the Supreme Council before he was dropped, yes.

Q I ask you did you expect that money during the year 1912? A Well, he did, yes; I didn't, he did.

Q And you know that of your own knowledge? A Yes, I heard him speak of it.

Q Well, now, you were with him when he made this application? A Yes, sir.

20

Q You heard the conversation with Mr. Carrall in which Mr. Carrall said he would take care of the matter? A Yes, sir.

Q At any time since that visit did you realize that your father was not entitled to these benefits?

Mr. Kalisch. Objected to.

The Court. The objection will be sustained.

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Q Now, Mrs. Walsh, are you familiar with the laws of the Legion? A Not to say any great extent, although we have been connected with them in many respects.

Q In many respects? A Yes.

Q Could you just inform the Court in what respects?

Mr. Kalisch. Objected to as irrelevant.

The Court. Objection sustained.

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Julia Walsh, cross.

A Dinners and affairs, for which I often helped to serve, even served Mr. Carrall, at 120 Council.

10 Q Do you know of your own knowledge whether or not your father had been suspended from the Legion before his death? A Yes, I did.

Q Did you know of your own knowledge that by that suspension your father had lost the right to apply for this disability benefit? A No, sir.

Mr. Kalisch. I object to that as a matter of law.

Witness. No, sir, I do not, for at the time he applied for that disability part he was in good standing.

20 *The Court.* When an objection is made that means that you may not be required to answer that question, so just wait until the Court disposes of the objection.

(Question read.)

The Court. I will sustain the objection.

30 *Mr. Butler.* If it please the Court, I wish merely to attack the credibility of the witness in this regard. I want to find out just what her knowledge was, if she had any, of her father's rights in this association, and if she knew that by his suspension he forfeited those rights.

The Court. I think any statement made to Mr. Carrall inconsistent with those she now makes would be relevant, but not what her condition of mind was on the subject.

Q Do you know what year your father was suspended from this organization? A As far as I can remember 1911.

40 Q You don't know? A 1911.

Julia Walsh, re-direct.

Q Do you know what month? A November, I think.

Q November, 1911. Now, what year was your father born in? A 1839.

Q How do you fix that date in your mind? A Why, according to his statements; he has told us many times; we were always interested in the date. 10

Q Just statements he made to you? A And Mr. Carrall at the time he applied.

Q And you knew your father had made application to the Catholic Benevolent Legion for insurance? A Yes.

Q Did you know of your own knowledge that in that application he had to give his age? A Yes.

Q Were you present when he signed this application? A Yes, sir. 20

Q Not the disability, I mean the application for insurance in the organization? A When he—

Q When he first made application? A Was I present?

Q Yes. A No, sir I wasn't.

Q Then of course you don't know what age he gave at the time, do you? A No, I don't.

Re-direct examination. 30

Q You say he was suspended in November, 1911? A As far as I can remember.

Q And was he reinstated? A No; he could not afford to pay any longer, and I couldn't.

Mr. Butler. I ask that that be stricken out.

The Court. It will be stricken out.

By the Court.

Q You say he was suspended in November, 1911, and you paid the last assessment in November, 1911, that is correct? A Yes, sir. 40

Motion for Non-suit.

Q Now, do you know, in reference to the time you paid that last assessment he was suspended, whether it was before or after? A After.

Q After you paid that? A Yes, sir.

PLAINTIFF RESTS.

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Mr. Butler. I ask for a non-suit. In the first place there is no evidence before this Court that the man, at the time of his suspension, was entitled to receive disability benefits under the constitution and laws of the Catholic Benevolent Association. There is no evidence before the Court that this man pursued his remedy within the order, as prescribed by section 12 of the constitution of the order. Even if we admit, for the time being, that this man had reached the required age, there is no evidence that he took the prescribed procedure. Also that this is a personal action. The constitution provides that the man must be disabled, and without means of support; and the very language itself shows that the idea in contemplation of the society was that it should be for his particular benefit, and is not part of his estate, and, therefore, that this action died with him, and the administratrix has no right of action. When this man allowed himself to be suspended, he knew the rules and regulations of the order, and, knowing his rights, he went to the Supreme Council, and his daughter testifies that at that time he was in good standing, and thereafter, of his own volition, he allowed himself to be suspended, and thereupon deprived himself of any rights and privileges he

Direction of Non-suit.

might have under the application signed by him, when he joined the order.

(Argued.)

The Court. There have been introduced in evidence the policy under which the plaintiff seeks to recover, and the constitution and by-laws of the defendant, the Catholic Benevolent Legion. The policy, which it is admitted was regularly issued on the 16th day of March, 1891, provides that the Supreme Council may pay out to the said member a sum not exceeding one-half of the benefit stipulated, upon due proof that he has become entitled thereto under provisions that are relevant to permanent disability, upon surrender of this certificate, and acceptance by him of the above mentioned sum. The plaintiff has offered evidence to show that the deceased, Thomas Doolan, with his two daughters, went to the office of the Supreme Secretary in Brooklyn, and there made an application for this disability benefit under this provision. But it appears from the by-laws which have been introduced in evidence, that all members of the association were bound by the by-laws. In fact, the policy states that it is payable upon condition that the insured has complied with the laws, rules and regulations of the Legion then in force, or which might thereafter be adopted. The by-laws of the Legion provide, first, a method by which the application for the disability benefit shall be made; and there is no evidence that the application was made in the method provided by the by-laws, which I deem necessary to

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Direction of Non-suit.

entitle the plaintiff to recover. Second, the by-laws provide for a method of appeal within the order itself. And it has been frequently held, and my attention is particularly directed to the case of *Donnelly v. The Supreme Council of the Catholic Benevolent Legion*, 67 Atl. Rep. 276, the syllabus of which is, "Whereas the tribunals of a mutual benefit society have power to decide a dispute question, their jurisdiction is exclusive, whether there is a by-law stating such decision to be final or not; and the courts cannot be invoked to review their decision of questions coming properly before them, except in cases of fraud."

As I stated, it does not appear that any procedure was taken within the tribunals of the order. In answer to that it is insisted that the deceased was lured into the belief that this disability benefit in his policy would be paid, notwithstanding the fact that he had failed to make his application in the way provided by the by-laws, and that, therefore, the right in him became vested by reason of that fact. I do not think the proofs warrant that assumption, because Mrs. Walsh, with whom Mr. Doolan then lived, stated that her father knew, in November, 1911, that he had been suspended; and, of course, if he had been suspended, there must have been some violation of the laws, rules and regulations of the Legion then in force; and, if a violation of them, then he was not entitled to anything under this policy; and after that time he lived for three and a half years, during which he appears to have taken, himself,

Direction of Non-suit.

no action, either in the courts, or in the tribunals of the order, for the purpose of establishing his right to this fund. And I think, under those circumstances, and the proofs in the case, that his administratrix cannot now seek to have that liability established in a legal tribunal.

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This review results in a granting of the motion for non-suit, and an exception to that ruling as ground of appeal will be noted.

An exception to this ruling is noted by the plaintiff as ground of appeal.

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Exhibit P. 1.

EXHIBIT P. 1.

No. 27733

\$3,000.00

CATHOLIC BENEVOLENT LEGION.

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BENEFIT CERTIFICATE.

This certificate is issued to Thomas Doolan, a member of Woodbridge Council, No. 120 Catholic Benevolent Legion, located at Woodbridge, N. J. upon evidence received from said Council that he is a Fourth Grade contributor to the Benefit Fund of this Legion and upon condition that the statements are true which are contained in his application for membership, and Medical examination filed in the office of the Supreme Secretary and made a part of this Contract, and upon condition that he will strictly comply with the laws, rules and regulations of the Legion, now in force or which may hereafter be adopted by it.

20

These conditions being complied with The Supreme Council Catholic Benevolent Legion hereby agrees to pay out of its Benefit Fund to Mrs. Julia Walsh, daughter, a sum of money not exceeding Three Thousand Dollars, according to the provisions of law governing said fund upon satisfactory proof of the death of said member in good standing and the surrender of this Certificate provided he shall not have substituted another beneficiary or reduced the amount of said Benefit under the rules governing Disability Benefits.

30

The said Supreme Council agrees to pay out of its Benefit Fund to said member a sum not exceeding one half the benefit above stipulated upon due proof that he has become entitled

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Exhibit P. 1.

thereto under the provisions of law relative to permanent disability upon surrender of this Certificate and acceptance by him of another for one half of the amount first above mentioned.

In Witness Whereof The Supreme Council Catholic Benevolent Legion has hereunto affixed its Seal and caused this Certificate to be signed by its Supreme President and attested and recorded by its Supreme Secretary at the Borough of Brooklyn, City of New York, this 16th day of March 1891 10

Reissued May 2, 1909. Change of Beneficiary,

RICHARD B. TIPPETT,
Supreme President.

JOHN D. CARROLL,
Supreme Secretary. 20

I accept this Certificate on the conditions therein named, Thomas Doolan.

Signature of holder.

Witnessed and delivered in our presence:

Seal of	FRANK BADER, <i>President.</i>	Seal of	
Woodbridge Council.	JAMES F. SOMERS, <i>Secretary.</i>	Supreme Council.	30

of Woodbridge Council, No. 120, C. B. L.

Exhibit P. 1.

CHANGE OF GRADE.

.....19
To the Officers and Members of.....
Council, No., C. B. L.

10 Comrades: I hereby surrender my Benefit
Certificate, No.....to be forwarded to the
Supreme Council C. B. L. with the request that
a new one be issued changing the grade from
.....to.....

.....
Applicant

Attest:

.....
Secretary.

20 (SEAL.)

CHANGE OF BENEFICIARIES.

.....19
To the Officers and Members of.....
Council No....., C. B. L.

30 Comrades: I hereby surrender my Benefit
Certificate, No.....to the Secretary of this
Council, to be forwarded to the Supreme Council,
C. B. L., with the request that a new one be
issued changing my beneficiar....to.....

.....
Applicant

40

Exhibit P. 1.

Attest:

.....

Secretary.

.....

.....

Witnesses.

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(SEAL.)

No.19

Received from the Supreme Council, Catholic Benevolent Legion, per....., Supreme Treasurer,..... Dollars, in full payment of claim held by..... against said organization, as beneficiar..... of....., a member of..... Council, No..... Whose Benefit Certificate was No....., which is hereby surrendered.

20

Signed,

In presence of

.....President.

.....Secretary.

.....Treasurer.

.....Council, No....., C. B. L.

CATHOLIC BENEVOLENT LEGION. 30

Certificate of Membership.

No. 27733

To Thomas Doolan

Woodbridge Council

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Stipulation.

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Stipulation.

NEW JERSEY SUPREME COURT.

10	CATHERINE MCGUIRE, adminis- tratrix, &c., <i>Plaintiff-Appellant,</i>	}	<i>Stipulation.</i>
	<i>vs.</i> CATHOLIC BENEVOLENT LEGION, a corporation, <i>Defendant-Appellee.</i>		

20 It is hereby stipulated and agreed by and between the attorneys of the parties hereto, that the By-laws and Constitution dated May, 1914, shall be used with the state of the case in the above stated cause, instead of the By-laws and Constitution of the defendant printed in 1899.

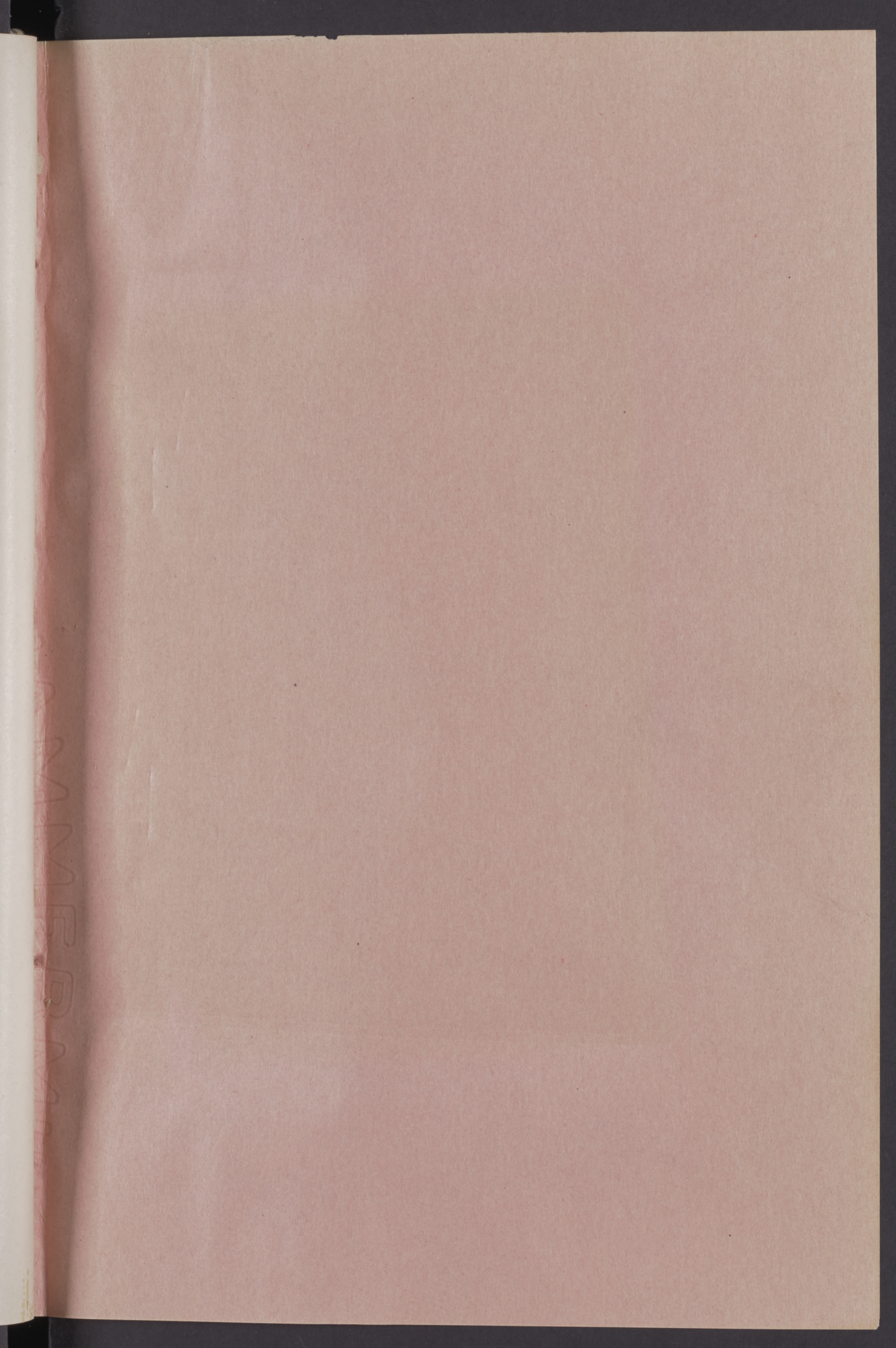
30 It is further stipulated and agreed by and between the parties hereto, that the defendant has added a condition to the mode of appeal, being Section 5, which section was not contained in the Constitution and By-laws of May, 1899, and which section reads as follows: "No claim shall be made against the Legion or any Council or officer thereof until the appeals hereinbefore provided for have been taken and decided."

The above stipulation in both instances is subject to any changes which an examination and comparison with the original Constitution and By-laws of 1899 discloses.

KALISCH & KALISCH,
Attorneys of Plaintiff-Appellant.

BUTLER & BROWN,
Attorneys of Defendant-Appellee.

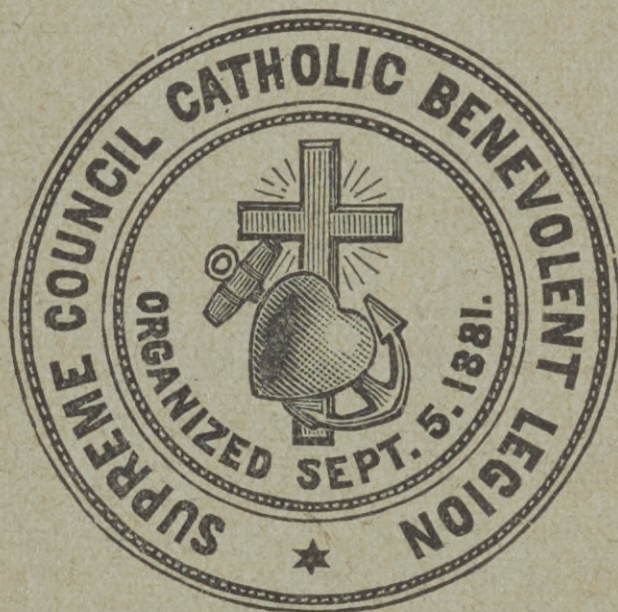
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CONSTITUTIONS AND LAWS

OF THE

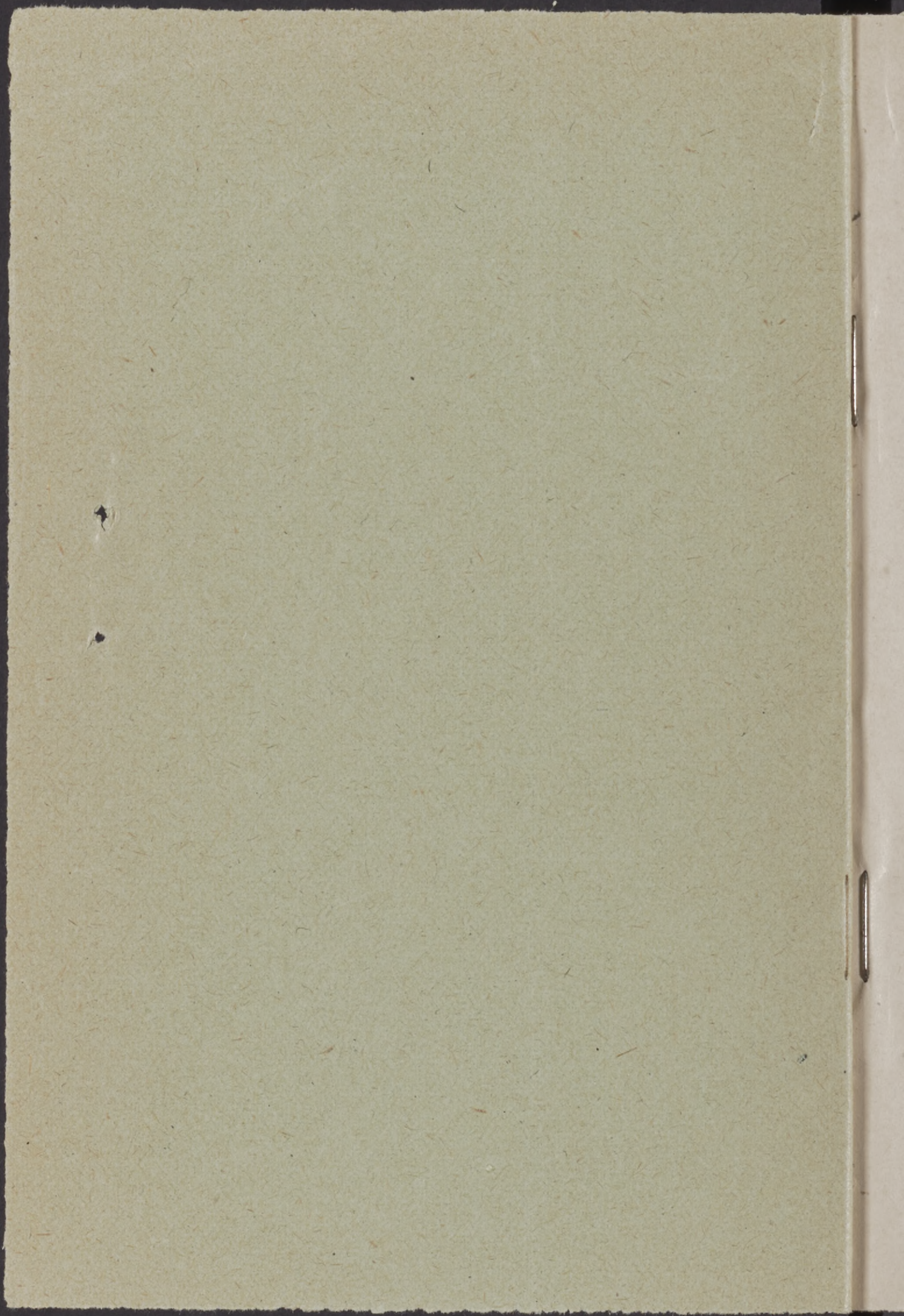
Catholic Benevolent Legion



GOVERNING
SUPREME, STATE
AND SUBORDINATE COUNCILS

Revised May, 1914

PUBLISHED BY THE SUPREME COUNCIL



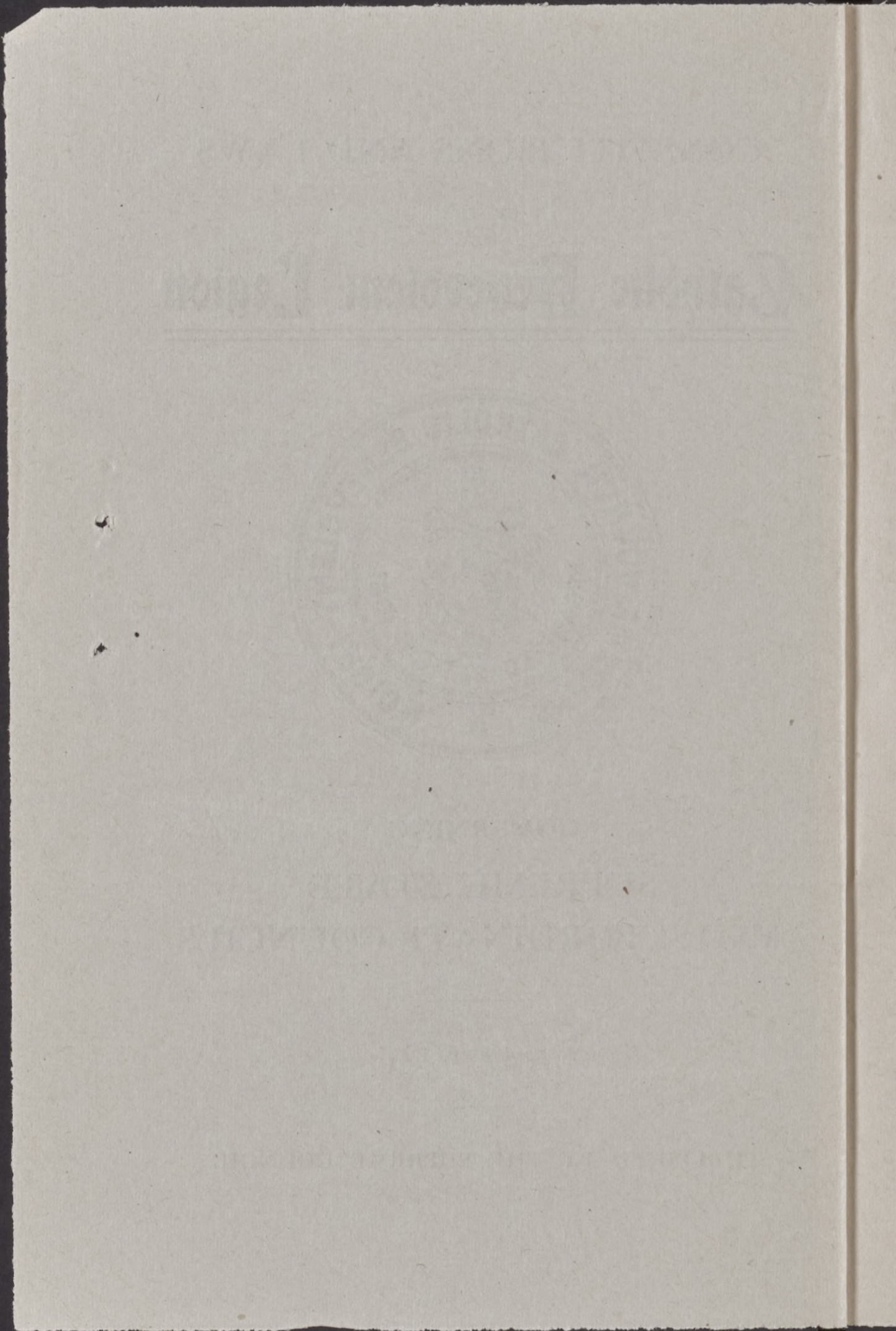
CONSTITUTIONS AND LAWS
OF THE
Catholic Benevolent Legion



GOVERNING
SUPREME, STATE
AND SUBORDINATE COUNCILS

Revised May, 1914

PUBLISHED BY THE SUPREME COUNCIL



CERTIFICATE OF INCORPORATION.

The undersigned, George R. Kuhn, M.D., John C. McGuire, John D. Carroll, John Rooney, Thomas Cassin, John D. Keiley, Jr., Patrick F. Keany, William G. Ross, James H. Breen, David T. Leahy and Robert Myhan, citizens of the United States and of the State of New York, of full age, being desirous of associating themselves together as a body corporate for benevolent purposes, in conformity with the laws of the State of New York in such case made and provided, do hereby certify and declare:

First. The name or title by which such Association or Corporation shall be known is "The Supreme Council Catholic Benevolent Legion."

Second. The particular business and object of such corporation shall be to unite fraternally all male Roman Catholics personally acceptable, of sound bodily health, between eighteen and sixty-five years of age at the time of admission, for social, benevolent and intellectual improvement, and to afford moral and material aid to its members and their dependents by establishing a fund for the relief of sick and distressed members, and a Benefit Fund from which on satisfactory evidence of

VI.

same to be a correct transcript therefrom and of the whole of the said original.

Witness my hand and the seal of office of the Secretary of State, at the City of Albany, this fifth day of September, one thousand eight hundred and eighty-one.

JOSEPH B. CARR,

(L. s.)

Secretary of State.

Insurance Department,

Albany, September 12th, 1881.

Whereas satisfactory evidence has been exhibited to me and filed in my office showing that the Supreme Council Catholic Benevolent Legion has complied with all the provisions of the Act entitled "An Act concerning Charitable, Benevolent and Beneficiary Associations, Societies and Corporations," passed May 12th, 1881.

Now therefore I, Charles G. Fairman, Superintendent of the Insurance Department of the State of New York, do hereby certify that the said Supreme Council Catholic Benevolent Legion is duly authorized to commence business and issue certificates as a Charitable or Beneficiary Association or Corporation, according to the statutes in such case made and provided, on filing a duplicate of this certificate in this Department.

In witness whereof I have hereunto subscribed my name and caused my official seal to be affixed, in duplicate,
(L. s.) at the City of Albany this 12th day of September, 1881.

CHARLES G. FAIRMAN,
Superintendent.

CONSTITUTION
OF THE
SUPREME COUNCIL.

ARTICLE I.

NAME AND POWER.

Section 1. This body shall be known as The Supreme Council Catholic Benevolent Legion, with power to make its own Constitution, rules of discipline, and laws for the government of the entire Legion.

Sec. 2. It shall be the body to which final appeals shall be made on all matters of importance emanating from State or Subordinate Councils.

ARTICLE II.

OBJECTS OF THE LEGION.

Section 1. The objects of the Legion shall be:

1st. To unite fraternally for social, benevolent, and intellectual improvement, only male Roman Catholics, personally acceptable, of sound bodily health, between the ages of sixteen and fifty-five years at the time of admission.

2nd. To afford moral and material aid to

its members and their dependents by establishing a fund for the relief of its sick and distressed members.

3rd. To establish a Benefit Fund from which on the satisfactory evidence of the death of a member who shall have complied with all its lawful requirements, a sum not exceeding \$5,000 shall be paid, to his legally designated beneficiary or beneficiaries. And from which benefit fund a sum not exceeding \$2,500 may be paid to a member who shall have become permanently disabled from attending to business or gaining a livelihood, and who having complied with all its lawful requirements has arrived at the age of expectancy as fixed by the printed table in our laws. And no claim shall be due and payable till sixty days after satisfactory proof has been filed. From and after the first day of July, 1901, no new members shall be admitted to the 5th and 6th grades. Associate members not participating in the Benefit Fund may be admitted by Subordinate Councils.

ARTICLE III.

Section 1. This Council shall be composed of its charter members, their successors, all Supreme Chancellors and their successors, the Medical Examiner-in-Chief and the Representatives from State Councils, so long as they remain in good standing in the Legion.

Elective members shall constitute a majority in number and not less than two-thirds of the votes nor less than the votes required to amend its constitution and laws.

Sec. 2. In case of the death, resignation,

suspension, or expulsion of a charter member or a Chancellor, the vacancy may be filled by this Council. No member shall be eligible who has not served a term of two years as a Representative in this Council. The term for which such vacancy shall be filled shall be six years. The election shall be by ballot, and it shall require a majority vote of all the members of the Council to elect.

Sec. 3. A President who has served one full or the balance of an unexpired term shall be Chancellor by virtue of service, and no person shall be elected Chancellor after the first term of the Council except a vacancy occurs.

Section 4. Each State Council shall be entitled to one representative to the Supreme Council, and each State Council shall be entitled to one additional Representative for each 650 members within its jurisdiction.

The basis of representation of State Councils shall be officially determined by the records in the Supreme Secretary's office of the membership on the 30th day of June and the 31st day of December, as the case may be, just prior to the meeting of the State Council, at which the election for additional representative is to be made. Whenever, in any State, Territory or district there shall be in existence five or more Subordinate Councils, having a membership of not less than 250, in the aggregate, and where no State Council is organized, if the Presidents of not less than five Subordinate Councils in such State, Territory or district, shall request the Supreme President to call a meeting for the purpose of deciding whether the Subordinate Councils

in such State, Territory or district shall be represented in the Supreme Council, then, and in that event, the Supreme President shall appoint a time and a place for such meeting and shall give reasonable notice of the same to the Presidents, Chancellors, Secretaries and Collectors who have served 3 years of all Subordinate Councils in such State, Territory or district.

The Presidents, Chancellors, Secretaries and Collectors who have served 3 years of said Subordinate Councils when so assembled shall consider whether the Subordinate Council in such State, Territory or district desire to be represented in the Supreme Council, and if decided in the affirmative, shall thereupon proceed to the choice of a Representative from such State, Territory or district, and an additional Representative for each 650 members in such State, Territory or district.

The presiding officer of such convention and the Secretary shall sign and attest the credentials of such Representatives.

If such convention votes to elect a Representative to the Supreme Council, as hereinbefore provided, it shall meet biennially at such times and places as it shall fix, and shall appoint a Secretary, who shall give notice of not less than ten days of the times and places of such meetings to the Presidents, Chancellors, Secretaries and Collectors who have served 3 years of all Subordinate Councils in such State, Territory or district; and at such subsequent meetings there shall be elected one Representative, and an additional Representative for each 650 members in such State, Territory or district.

The basis of representation shall be officially determined by the number of members in such State, Territory or district on the 30th day of June or the 31st day of December (as the case may be), just prior to such meeting, as shown by the records in the Supreme Secretary's office.

At the election of each Representative, such meeting shall also elect an alternate for such Representative, who shall be recognized as the legal Representative, in the event of the death, resignation or inability of the Representative to attend the meeting of the Supreme Council. All Representatives and Alternate Representatives elected, as herein provided, shall hold office for a term of two years from the second Tuesday of May following their election. Their successors shall be elected at the meeting of such Presidents, Chancellors, Secretaries and Collectors of Subordinate Councils next preceding the expiration of the terms of such Representatives and Alternates.

In the event of a vacancy in the office of Representative, the Alternate becomes the Representative, and such Presidents, Chancellors, Secretaries and Collectors aforesaid of Subordinate Councils may elect an Alternate at any meeting to fill vacancy.

Sec. 5. At the election of each Representative the State Council shall also elect an alternate for such Representative who shall be recognized as the legal Representative in the event of the death, resignation or inability of the Representative to attend the meeting of the Supreme Council; all Representatives and alternate Representatives elected as herein

provided shall hold office for a term of two years from the second Tuesday of May following their election except when the State Council by which they have been elected shall pursuant to change in the constitution and laws fail to hold a regular meeting during the second year of their term of office, in which case they shall hold office for a term of three years from the second Tuesday of May following their election. Their successors shall be elected at the regular meeting next preceding the expiration of their term of office. In the event of a vacancy in the office of Representative an alternate shall become a Representative and the State Council may elect an alternate at any meeting to fill the vacancy.

ARTICLE IV.

OFFICERS AND ELECTIONS.

Section 1. The officers of this Council, who shall be elected annually and shall hold office for one year, or until their successors are elected and duly qualified, shall be a President, Vice-President, Orator, Secretary, Corresponding Secretary, Treasurer, Marshal, Guard, a Finance Committee of three, five Trustees, and a Medical Examiner-in-Chief, who must be a member of the Legion, must be a physician, and must have had at least ten years' experience as a life insurance medical examiner; but no person shall be eligible to the office of President who has not been a member of this Council for the year preceding his election.

Sec. 2. The Executive Officers of the Supreme Council, consisting of the President,

Vice-President, Chancellor, Secretary and Treasurer, shall meet immediately after the close of the Annual Session and select the Supreme Spiritual Adviser of the Legion.

Sec. 3. The nomination, election, and installation of officers shall take place the last day of each annual meeting.

Sec. 4. When there is more than one candidate for the same office it shall require a majority of all the votes cast to elect, and when there are more than two candidates for the same office the one receiving the least number of votes on each ballot shall be dropped until an election is had.

Sec. 5. During the nomination and election of officers, no motion, except to adjourn, shall be entertained.

ARTICLE V.

QUORUM.

Section 1. For the transaction of business a majority of the members of this Council shall constitute a quorum, but less than that number may adjourn to meet at a specified future time.

ARTICLE VI.

TIME AND PLACE OF MEETING.

Section 1. This Council shall meet annually on the second Tuesday of May at such place as may have been selected by a majority of its members present at the previous annual session. The fiscal year shall commence January 1 and end December 31.

Sec. 2. Special meetings of this Council shall be called by the President thereof upon the written request (stating the object) of a majority of its members, and the Supreme Secretary shall notify by letter each State Council entitled to representation in the Supreme Council, and also every member of the Supreme Council, of the same and the object of the call.

ARTICLE VII.

Duties of Officers.

THE PRESIDENT.

Section 1. (1.) The President of the Supreme Council shall preside at all meetings of the Council and enforce its laws. He shall have the general superintendence of the Legion with power to grant dispensations when the good of the Legion may require it, except for the admission of ineligible persons to membership.

(2.) He shall fill all vacancies occasioned by death or otherwise until an election shall be held. He shall sign all orders on the Supreme Treasurer drawn in accordance with the laws of the Legion. He shall sign all documents and papers that require his signature to properly authenticate them.

(3.) At the commencement of each annual and special meeting he shall appoint committees of three each on Credentials, Mileage, Reports and New Business, each committee to serve during such meeting.

(4.) At the close of each annual meeting he shall appoint standing committees of three each on Laws and Judiciary.

(5.) He may appoint Deputy Chancellors whenever and wherever the good of the Legion demands, and may require each to give a good and sufficient bond in such sum as he may deem sufficient for the faithful performance of the duties of said office, to be approved by him and deposited with the Supreme Secretary.

(6.) His correspondence with State and Subordinate Councils shall be conducted, when practicable, through the Supreme Secretary, with the seal of the Supreme Council attached.

(7.) His decisions on all questions of law shall be promulgated by the Supreme Secretary and shall be final during a recess of the Supreme Council, and he shall report all such decisions to the Supreme Council at its next meeting for approval or rejection.

(8.) He shall submit to the annual meeting of the Supreme Council a written report of all his official acts during his term of office, and he shall perform such other duties as the laws, rules, and regulations of the Legion require.

(9.) He shall give a good and sufficient bond in the sum of \$2,000 for the faithful performance of his duties, which bond shall be approved by and deposited with the Supreme Trustees. For his services he shall receive such sum as the Supreme Council may determine.

THE VICE-PRESIDENT.

Sec. 2. In case of the death, absence or inability of the President, the duties of his office shall be discharged by the Vice-President.

THE ORATOR.

Sec. 3. The Orator shall be prepared to deliver lectures upon the condition of the Legion whenever and wherever the President of the Supreme Council shall direct; he shall visit all Councils (if practicable) not under the jurisdiction of State Councils whenever directed to do so by the President of the Supreme Council, and shall give instruction which will be of benefit to the Legion, and for his services shall receive such sum as the Supreme Council may determine or Subordinate Councils may award for visits or lectures.

THE SECRETARY.

Sec. 4. (1.) The Secretary shall keep a correct report of the proceedings of the Council; read all communications, reports, petitions, etc.; attest all orders drawn on the Supreme Treasurer; affix the seal of the Supreme Council to all official documents; and prepare for publication a copy of the proceedings of this Council within one month after the close of each annual or special meeting. He shall also make to the Supreme Council on the first day of each annual meeting a complete statement of the condition of the Legion.

(2.) He shall compile and arrange for publication, subject to the approval of the Committee on Laws, all amendments to the

Constitution and Laws adopted by the Supreme Council.

(3.) He shall promptly perform all duties relating to the Benefit Fund as directed in the laws of the Legion.

(4.) He shall draw and attest all orders (which must also be signed by the President of the Supreme Council) for money in payment of bills which have been approved by the Finance Committee.

(5.) He shall keep a record of the name, number, date of institution and location of all State and Subordinate Councils.

(6.) He shall have charge of the seal, books, papers, etc., belonging to the Supreme Council.

(7.) He shall keep a true and correct account between this Council and all State and Subordinate Councils. He shall present to the Supreme Council on the first day of each annual meeting a full and correct statement of the amount of money received and disbursed during the year, and a statistical report for the year ending December 31.

(8.) He shall receive all money due the Supreme Council (except the Benefit and Legion Maintenance and Extension Fund) and deposit the same daily when the amount exceeds \$10, or as directed by the Supreme Council to the credit of the General Fund of the Supreme Council, advising the Supreme Treasurer immediately after each deposit has been made of the amount and date of deposit.

(9.) He shall submit to the Committee on

Supplies on the first day of January, April, July and October in each year a requisition for such supplies as in his judgment will be required for the ensuing quarter, including salaries and expenses of his office. In such requisition he shall state in detail the disbursements made from the preceding appropriation, the balance in his hands, and the supplies remaining in his office.

(10.) He shall issue and file with the President monthly statements giving the receipts and disposition of the General Fund in detail, and a statement of the Benefit Fund as appears by the books in his office.

(11.) He shall perform such other duties as the laws and usages of the Legion require, and may from time to time appoint and discharge such assistants in his office as may be provided for by the Supreme Council or by its authority, and with the approval of the Supreme President fix the grade and compensation of such assistants; and he shall be responsible for the acts of such assistants in the transaction of the business of his office. Before entering upon the discharge of his duties he shall give a good and sufficient bond in the penalty of \$10,000, with two sureties, each of whom must justify in the penalty of the bond, conditioned for the faithful discharge of his duties and for the due accounting for all moneys that shall come into his hands during his term of office and until his successor is duly elected, qualified, and installed, or the Supreme Trustees may require him to furnish the bond of some duly incorporated Surety Company for a like amount, the premium on which shall be paid out of

the General Fund of this Supreme Council, such bond to be approved by and deposited with the Supreme Trustees; and for his services he shall receive such sum as the Supreme Council may determine.

(12.) He shall account for all property belonging to the Supreme Council that may have come into his hands, and deliver to the Supreme Council, or to his successor, all property of this body and Legion in his custody at the expiration of his term of office, or sooner if required by an order from the Supreme President.

(13.) He shall call meetings of any standing, special or other committee when in his judgment the consideration of matters referred to it by law or by vote requires a meeting of such committee.

(14.) The Corresponding Secretary shall conduct correspondence of the Supreme Council, except as otherwise provided in this Constitution or the Laws of the Catholic Benevolent Legion, or Constitution governing Subordinate Councils of the Catholic Benevolent Legion, he shall act as Secretary to the Committee on Laws; he shall prepare and have printed the monthly Bulletins of information, and he shall perform such other duties as the President or the Finance Committee of this Council may direct, and at all times he shall be subject to the orders of such President and of such Finance Committee. He may appoint and discharge such assistants as may be approved by the Supreme Council, or during the recess of the Supreme Council, by the Supreme President, and he may with

like approval, fix the grades and compensation of such assistants, and he shall be responsible for the acts of such assistants, in the transaction of business under his charge. He shall give such bond as shall be required by the Finance Committee, and for his services he shall receive such sum as the Supreme Council may determine.

THE TREASURER.

Sec. 5. (1.) The Supreme Treasurer shall perform all duties relating to the Benefit and General Funds as prescribed in the laws of the Legion.

(2.) He shall dispose of all money received by him, and pay all orders drawn on him in accordance with the Laws of the Legion. He shall keep a correct and proper record of all money received and paid by him on account of the Benefit Fund, and only pay the same on orders drawn on him to pay death or Permanent Disability Benefits. He also shall keep a correct and separate account of all moneys received and paid belonging to the General Fund and the Legion Maintenance and Extension Fund, which funds shall not be used to pay death or Permanent Disability claims unless directed by the Supreme Council.

(3.) He shall transfer to the Trustees for investment any part of the General Fund the Supreme Council may direct, or during a recess when so ordered by a majority of the Finance Committee, the President approving.

(4.) He shall at the commencement of each month transmit to the President and

Secretary of the Supreme Council a statement comprising the following items: General Fund,—balance on hand at last report; total receipts and payments; balance on hand. Benefit Fund,—balance on hand at last report; total received for each assessment; total disbursements and balance on hand; name and number of Council which has not paid its assessments within the time limited by law.

(5.) He shall have his accounts correctly posted and ready for examination by the Finance Committee immediately after the close of each fiscal year, or whenever required. He shall make to the Supreme Council on the first day of its annual meeting a full and correct report of the condition of the Supreme Treasury as appears by his books on the preceding 31st December, together with a supplementary statement covering the operation of his office as appears by his books on the last day of the preceding month.

(6.) He shall deliver to the Supreme Council or its proper officer whenever so directed by the President and Finance Committee, all money, papers, and other property in his hands belonging to this body or Legion.

(7.) The Supreme Council shall designate the bank or depositories in which he shall deposit funds, and the Benefit Fund shall constitute one account, the General Fund another; provided, however, that in case of emergency arising during a recess of the Supreme Council the President shall designate a depository for its funds, but he shall immediately convoke the Trustees in special

session who shall (a majority concurring) confirm his action or designate some other depository. But the deposits of each fund must be subject to his check only when countersigned by the President or Secretary of the Supreme Council, or in the absence or inability of the President and Vice-President by the chairman of the Finance Committee. Said money shall be deposited in such manner as to be at interest, the interest to be added to the principal.

Except in case of the Benefit Fund, the monthly credits for interest on current bank balances subject to check as such interest accrues, may by a special warrant be transferred to the General Fund whenever upon the petition of the Supreme Secretary and the Supreme Treasurer, the Supreme President shall order such transfer.

(8.) He shall before entering thereon give a good and sufficient bond in the sum of \$25,000, with two sureties, each of whom must justify in the penalty of the bond, which bond shall be conditioned for the faithful discharge of his duties and for the due accounting of all moneys that may come into his hands during his term of office and until his successor is duly elected, qualified and installed, or the Supreme Trustees may require him to furnish the bond of some duly incorporated Surety Company for a like amount, the premium on which shall be paid out of the General Fund of this Supreme Council, such bond to be approved by and deposited with the Supreme Trustees. But the bond may be increased by the action of the Supreme Council when in session, or by its President during a recess whenever he is satisfied that

this sum is not sufficient to cover the amount that may accumulate in the Supreme Treasury during the year. For his services he shall receive such sum as the Supreme Council may determine.

(9.) He shall from time to time appoint and discharge such assistants in his office as may be provided for by the Supreme Council or its authority, and by and with the approval of the Supreme President fix the grade and compensation of such assistants, the Treasurer being held responsible for the acts of his assistants in the conduct of the business of his office. He shall submit to the Committee on Supplies on the first lay days of April, July, October and January in each year a requisition for such supplies, including salary list of employes and necessary current expenses of his office, as may be required, according to his best judgment, for the ensuing quarter. He shall make all payments upon warrants drawn upon him by the Supreme Secretary, duly attested by the Supreme President, or, in the absence or inability of the President and Vice-President, by the chairman of the Finance Committee, and all checks drawn by him shall be countersigned by either the Supreme Secretary or Supreme President.

SUPREME TRUSTEES.

Sec. 6. The Supreme Trustees shall have charge of the property of this Council not otherwise provided for; shall hold the bonds approved by them of all other Supreme Council officers who are required to give bonds; they shall deposit with the Supreme Secretary for safe keeping all deeds or other securities belonging to the Supreme Council.

When at any time in the judgment of the President, Secretary, Treasurer, Chairman of the Supreme Trustees and Chairman of the Finance Committee or a majority thereof, the funds on hand require the investment of same, the Trustees shall issue a call for a joint meeting of the Supreme Trustees and Supreme Finance Committee, and at said joint meeting action shall be taken to invest said funds in the manner provided by the laws of the State of New York for the investment of Savings Bank funds; and all investments shall be made and registered in the name of The Supreme Council Catholic Benevolent Legion, and all transfers of securities, releases of mortgages, deeds and other instruments, required to release, transfer or quit-claim securities, obligations, mortgages or choses in action held in the name of the Supreme Council shall be made, signed, executed and delivered in the name of The Supreme Council, Catholic Benevolent Legion, by the President, Secretary and Treasurer, or any two of them.

When at any time in the judgment of the President, Secretary, Treasurer, Chairman of the Supreme Trustees and Chairman of the Finance Committee or a majority thereof, the interests of the organization shall require the payment of death or permanent disability claims out of any portion of the Benefit Fund which has been invested, the Trustees shall issue a call for a joint meeting of the Supreme Trustees and the Supreme Finance Committee, and at said joint meeting action shall be taken to convert into cash such portion of said invested funds as may be necessary for such purpose and cause the proceeds to be paid over to the Supreme Treasurer.

The Trustees shall promote the interests of The Supreme Council in all things and promptly report all their transactions to the Supreme Secretary. They shall each give a good and sufficient bond to the Supreme Council in the sum of \$1,000 for the faithful performance of their duties, which bond shall be approved by the Finance Committee and deposited with the Supreme Secretary.

CHANCELLOR, MARSHAL AND GUARD.

Sec. 7. The Supreme Chancellor, Marshal and Guard shall perform all the duties required of them at their several stations in this Council.

DEPUTY CHANCELLORS.

Sec. 8. Deputy Chancellors of the Supreme Council may represent its President in territory not under the jurisdiction of a State Council. It shall be the duty of Deputy Chancellors to see that the work of this Legion is uniform in their territory, and install, or cause to be installed, all officers of Subordinate Councils under their charge. They shall receive from the Supreme Secretary all supplies for new Councils to be organized within their jurisdiction, institute new Councils, install officers, collect the charter fee, and perform such other duties as the President of the Supreme Council may from time to time direct. They shall make full reports of all their official acts to the President of the Supreme Council in time to present the same at its annual meeting. The President of the Supreme Council and Deputy Supreme Chancellors, when instituting Councils or installing officers, shall be entitled to such compensation as the Supreme Council may determine.

MEDICAL EXAMINER-IN-CHIEF.

Sec. 9. (1.) The duties of the Medical Examiner-in-Chief shall be to receive and scrutinize all medical examinations and such accompanying statements or certificates as may be referred from any subordinate Medical Examiner, and promptly return to the Secretary or Medical Examiner of such Council all examinations approved by him with his decision endorsed thereon. All examinations rejected by him shall be filed in his office, and the Council notified of the rejection immediately. And for such services he shall receive fifty cents for each examination (to be paid by the applicant), and no other or further compensation shall be allowed for such services.

(2.) He shall submit to the annual meeting of the Supreme Council a written report which shall include the number of medical examinations which have been submitted to him since his last report, specifying the numbers approved and rejected, the names of the Medical Examiners of members who have died during the year, with the number of deaths of members so examined; also the number of members examined during the same period by said Medical Examiners, with the number approved and the number rejected by the Medical Examiner-in-Chief; and such other matters appertaining to the operations of his department that he may wish to present to the Council.

Sec. 10. All papers and records pertaining to the official duties of any of the officers provided for in this Article shall be the property of the Supreme Council, and shall at all times be subject to the order and control of the Council, and such officer on the expiration of

his term of office, or upon ceasing to be an officer of this Council, shall turn over to his successor all such records and papers.

ARTICLE VIII.

Standing Committees.

ON SUPPLIES.

Sec. 1. The President, Secretary, Corresponding Secretary and Treasurer of the Supreme Council shall constitute the Committee on Supplies. They shall contract for all necessary supplies in accordance with such resolutions and regulations as may be adopted by the Supreme Council, and shall fix the prices of all supplies to State and Subordinate Councils, except in cases where the prices have been fixed by the Supreme Council. They shall certify to the Finance Committee the sum required by the Supreme Secretary and Corresponding Secretary for salaries and expenses of their offices for the current quarter. They shall present a written report to the Supreme Council at each annual meeting, and at such other times as it may direct.

ON FINANCE.

Sec. 2. The duty of the Finance Committee shall be to examine and approve all bills, or report their inaccuracy; to examine the Supreme Secretary's books in connection with State and Subordinate Councils' reports; to examine the Supreme Treasurer's books and vouchers, and submit a written report of the finances of the Supreme Council and Legion at each annual meeting. They shall keep a record in a book

to be furnished by the Supreme Secretary of the date, payee, object, amount, and date of approval of each account approved by them. They shall make special examination of the books and accounts of the Supreme Treasurer and Secretary when so directed by the President of the Supreme Council, and during a recess may, with the approval of the President, direct the Treasurer to transfer to the Trustees for investment any available portion of the General and Benefit Funds, having previously selected the best market offerings of eligible securities, and submitting same for consideration and acceptance with their recommendations.

ON LAWS.

Sec. 3. The Committee on Laws shall examine all questions referred to them by the Supreme Council during its session and report thereon at the time fixed in the resolution of reference. They shall also examine all questions referred to them by the President during a recess of the Supreme Council and report thereon to the President within thirty days from the date of such reference. They shall also examine the Constitution and Laws of all State Councils, and the By-Laws of all Subordinate Councils not under the supervision of a State Council, and all subsequent alterations made thereto, and approve or disapprove the same, but until so approved, said Constitution, Laws or alterations shall not take effect. They shall present a written report to the Supreme Council at each annual meeting.

ON JUDICIARY.

Sec. 4. The duty of the Judiciary Committee shall be to examine all appeals and grievances

that may arise in the Supreme Council, together with all appeals and grievances that may be taken from a State or Subordinate Council to the Supreme Council, or between individual members thereof, that may be referred to them in accordance with the laws of the Legion. They shall not receive new testimony, but shall base their decision upon the evidence furnished, and report to this body for approval or rejection, or to the President of the Supreme Council during a recess. They shall make a written report to the Supreme Council at each annual meeting.

ON THE STATE OF THE LEGION.

Sec. 5. The Vice-President, Chancellor and Orator of the Supreme Council shall constitute a Standing Committee on the State of the Legion. They shall report to the President of the Supreme Council their recommendations on all matters referred to them by him, and all matters affecting the Legion that may have come to their knowledge during the recess of the Supreme Council, and to the Supreme Council on all matters referred to them at each annual meeting.

Sec. 6. All formal action by the Supreme Trustees and Standing Committees holding monthly, bi-monthly, or special meetings during the recess of the Supreme Council, shall be in writing, signed by a majority, and shall be forwarded to the Supreme Secretary, who shall record the same in books kept for that purpose.

Special Committees.

ON CREDENTIALS.

Sec. 7. The Committee on Credentials shall

examine the credentials of all Representatives to the Supreme Council and report thereon.

ON MILEAGE.

Sec. 8. The Committee on Mileage shall recommend the per diem allowances and mileage to be paid to members, and report the same to the Supreme Council for its action while in session.

ON REPORTS.

Sec. 9. The Committee on Reports shall examine the reports from all State and Subordinate Councils, together with the abstract reports of the Supreme Secretary, the Supreme Treasurer, and Supreme Trustees as presented at each annual meeting, and make a full report as to the correctness of the same.

ON NEW BUSINESS.

Sec. 10. All business that cannot be referred to other appropriate committees shall be referred to the Committee on New Business, and they shall report thereon during each annual or special meeting.

Sec. 11. Other committees that may be created from time to time shall at each meeting examine and report on such matters as may be referred to them.

Sec. 12. The following officers shall, before entering upon the duties of their respective offices, give each a good and sufficient bond with good and sufficient security in such form and with such sureties as shall be prescribed and provided by the Supreme Trustees, which bond shall be conditioned for the faithful discharge of the respective duties of

their said offices, and for a true accounting of all money that may come into their several hands during their respective terms of office and until their respective successors are duly elected, qualified and installed as follows, viz.: The Supreme President, \$2,000; the Supreme Treasurer, \$25,000; the Supreme Secretary, \$10,000; Chairman Finance Committee, \$2,000; Chairman Supreme Trustees, \$2,000; remaining Trustees, each, \$1,000.

The surety on said bonds shall be a surety company lawfully entitled to do business in the State of New York, and the expenses of said bonds shall be borne and paid by the Supreme Council, and said bonds shall be kept in the possession of the Secretary.

All provisions of the Supreme Constitution and laws inconsistent with the provisions of this amendment are hereby repealed.

ARTICLE IX.

REVENUE.

Sec. 1. The revenue of the Supreme Council shall be: A per capita tax of sixty cents per annum for each member of the Legion, payable semi-annually on the 30th day of June and the 31st day of December in each year, to be paid by Subordinate Councils for the members thereof. For Benefit Certificates each \$1. And from the sale of such supplies as may be required for the Legion and by regulation of the Committee on Supplies under authority of the Supreme Council, and such other sources as may be in accordance with the objects and

business of the Legion. For the purpose of extending the work of the Legion, increasing its membership and for its general betterment and maintenance, each member shall also pay per annum at the rate of thirty-two cents per thousand dollars, or the proportion thereof as represented by his Benefit Certificate, which payment shall be made by each member to the collector of his Subordinate Council, in equal semi-annual installments on the first days in September and March, on which the regular assessment is due and payable, and shall be forwarded by said Collector to the Supreme Treasurer, under like penalties attached to the non-payment and non forwarding of assessments.

The supplies furnished to a Subordinate Council with Charter shall consist of 1 Roll Book for Membership, 1 Black Book, 1 Record Book, 1 Ledger for Collector, 1 Cash Book for Collector, 1 Benefit Account Book, 1 Treasurer's Cash Book for General Fund, 1 Treasurer's Receipt Book to Collector, 1 Order Book on Treasurer, 1 Ballot Box and 2 Gavels, 4 dozen white balls and 1 dozen black balls, 5 Manuals, 6 blank bonds, 50 Constitutions, 100 Applications for Membership, 100 Investigating Committee notices, 100 Receipts for Dues, 1 Benefit Fund Check Book, 2 blank Reports of Deputies, 100 Collector's receipts to new members.

ARTICLE X.

CHARTERS.

Section 1. All charters shall be furnished by the Supreme Council.

Sec. 2. The President of the Supreme Coun-

cil shall have power to grant charters during the recess of this Council, and to take such measures as may be necessary to institute Councils where no State Council exists, provided that the charters for Subordinate Councils, within State jurisdiction, shall be issued by the Supreme Council and countersigned and sealed by the State Council.

ARTICLE XI.

STATE COUNCILS.

Section 1. State Councils may be instituted in States, Territories, districts or countries where five or more Subordinate Councils are in good standing with a total membership of not less than two hundred and fifty, upon proper application being made to the Supreme Council, or to its President during a recess. Such application must be signed by not less than ten Chancellors in good standing who represent five or more different Subordinate Councils existing in States, Territories, districts or countries where no State Council is in existence, upon proper application being made by such Council and with the consent of a State Council in another State, may be joined to said State Council and be entitled to representation therein as if located within such State, Territory, district or country.

Sec. 2. When a State Council is about to be instituted the Supreme President will issue a call giving the time and place for the convention, and all Chancellors of Subordinate Councils within such State, Territory or district may assist and shall be members of the

State Council for the first year of its existence. The membership of a State Council after the first year of its existence shall consist of State Council Chancellors, Representatives of Subordinate Councils, and of such members of the Legion within the jurisdiction of such State Council as such State Council shall provide.

Sec. 3. The officers of a State Council shall be the same as those of the Supreme Council, excepting the Medical Examiner-in-Chief, but their titles shall be changed by substituting the word "State" instead of "Supreme."

Sec. 4. State Councils shall enact laws for their own government, subject to the approval of the Supreme Council; establish Subordinate Councils; enact laws for the government of Subordinate Councils within their respective jurisdictions in conformity with the Constitution, laws and usages of the Supreme Council and the Constitution for Subordinate Councils provided by the Supreme Council, and have general supervision of the Legion within their respective jurisdictions, provided, however, that they shall have no control of the Benefit Fund.

Sec. 5. The revenue of the State Council shall be: For Subordinate Council charter and supplies, \$25, and a per capita tax not exceeding one dollar per annum for each member of the Legion within their jurisdiction.

ARTICLE XII.

ORDER OF BUSINESS.

Section 1. When the presiding officer takes the chair the officers and members shall take their respective seats, and at the sound of the gavel there shall be general silence.

Sec. 2. Business at the annual meetings shall be taken up daily in the following order:

1. Prayer.
2. Calling Roll of Officers.
3. Calling Roll of State Councils.
4. Reading Minutes.
5. Report of Committee on Credentials.
6. Introduction of Representatives.
7. Report of Officers.
8. Report of Standing Committees as follows: Supplies, Finance, Laws, Judiciary, and State of the Legion.
9. Report of Special Committees as follows: Mileage, Reports, and New Business.
10. Unfinished Business.
11. New Business in alphabetical order of States.
12. On the last day of each annual session, the filling of vacancies and election of officers.
13. Closing.

Sec. 3. This order of business may be transposed at any time as occasion may require. All petitions, resolutions, and communications from State or Subordinate Councils, or from any member of the Legion, must be endorsed by a member of the Supreme Council and presented to the Supreme Secretary, who shall read its title or such portion of the paper as may be necessary, when it shall be referred to the appropriate committee without debate.

ARTICLE XIII.

AMENDMENTS.

Section 1. The Constitution of the Supreme Council and the laws governing the Benefit Fund shall not be altered or amended except by a two-thirds vote of the members at a regular meeting of the Supreme Council, or at a special meeting called for the purpose. Except by consent of two-thirds of all the members of the Supreme Council, all proposed amendments must have been presented in writing at the office of the Supreme Secretary at least one month prior to such meeting, and signed by three or more members. All proposed amendments shall be referred to and reported upon by the Committee on Laws. If there appear to be more than one vote in the negative upon the adoption of an amendment, a rising vote shall be taken.

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Sec. 2. The Constitution of Subordinate Councils and Laws of the Supreme Council, except those relating to the Benefit Fund, may be altered or amended by a two-thirds vote of the members present at any regular meeting of the Supreme Council, or at a special meeting called for the purpose, provided that such amendment shall be presented in the same manner as provided for in the preceding section and referred to the Committee on laws for its report before being acted on.

Sec. 3. All sections of the Constitution and Laws of the Legion, which in any way conflict with the amendments adopted at any time, as provided in Sections 1 and 2 of this article, are hereby repealed and made to conform with the amendments adopted.

Sec. 4. Amendments to the Constitution and Laws, unless otherwise ordered, shall take effect on the first day of November following the meeting at which they were adopted.

L A W S
OF THE
CATHOLIC BENEVOLENT LEGION.

CHAPTER I.

Section I. The following shall be the table of rates of the Catholic Benevolent Legion:

RATES OF CONTRIBUTION.—BI-WEEKLY.

Age.	Ind'al grade.	1st grade.	2d grade.	3d grade.	4th grade.	5th grade.	6th grade.
16	\$0.13	\$0.26	\$0.51	\$1.02	1.53	2.04	2.55
17	.13	.26	.51	1.02	1.53	2.04	2.55
18	.13	.26	.51	1.02	1.53	2.04	2.55
19	.13	.26	.52	1.04	1.56	2.08	2.60
20	.14	.27	.54	1.08	1.62	2.16	2.70
21	.14	.28	.55	1.10	1.65	2.20	2.75
22	.14	.28	.56	1.12	1.68	2.24	2.80
23	.15	.29	.58	1.16	1.74	2.32	2.90
24	.15	.30	.60	1.20	1.80	2.40	3.00
25	.16	.31	.62	1.24	1.86	2.48	3.10
26	.16	.32	.64	1.28	1.92	2.56	3.20
27	.17	.34	.66	1.32	1.98	2.64	3.30
28	.17	.34	.68	1.36	2.04	2.72	3.40
29	.18	.36	.70	1.40	2.10	2.80	3.50
30	.18	.36	.72	1.44	2.16	2.88	3.60
31	.19	.38	.74	1.48	2.22	2.96	3.70
32	.20	.39	.77	1.54	2.31	3.08	3.85
33	.20	.40	.79	1.58	2.37	3.16	3.95
34	.21	.41	.82	1.64	2.46	3.28	4.10
35	.21	.42	.84	1.68	2.52	3.36	4.20
36	.22	.44	.87	1.74	2.61	3.48	4.35
37	.23	.45	.90	1.80	2.70	3.60	4.50
38	.24	.47	.93	1.86	2.79	3.72	4.65
39	.25	.49	.97	1.94	2.91	3.88	4.85

Age.	Ind'al grade.	1st grade.	2d grade.	3d grade.	4th grade.	5th grade.	6th grade.
40	\$.25	\$0.50	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
41	.26	.52	1.04	2.08	3.12	4.16	5.20
42	.27	.54	1.08	2.16	3.24	4.32	5.40
43	.28	.56	1.12	2.24	3.36	4.48	5.60
44	.29	.58	1.16	2.32	3.48	4.64	5.80
45	.31	.62	1.21	2.42	3.63	4.84	6.05
46	.32	.63	1.26	2.52	3.78	5.04	6.30
47	.33	.66	1.31	2.62	3.93	5.24	6.55
48	.34	.68	1.36	2.72	4.08	5.44	6.80
49	.36	.71	1.42	2.84	4.26	5.68	7.10
50	.37	.74	1.48	2.96	4.44	5.92	7.40
51	.39	.77	1.54	3.08	4.62	6.16	7.70
52	.41	.81	1.61	3.22	4.83	6.44	8.05
53	.43	.85	1.69	3.38	5.07	6.76	8.45
54	.45	.89	1.77	3.54	5.31	7.08	8.85
55	.47	.93	1.85	3.70	5.55	7.40	9.25
56	.49	.97	1.94	3.88	5.82	7.76	9.70
57	.51	1.02	2.04	4.08	6.12	8.16	10.20
58	.54	1.07	2.14	4.28	6.42	8.56	10.70
59	.57	1.13	2.25	4.50	6.75	9.00	11.25
60	.60	1.19	2.37	4.74	7.11	9.48	11.85
61	.63	1.25	2.49	4.98	7.47	9.96	12.45
62	.66	1.31	2.62	5.24	7.86	10.48	13.10
63	.70	1.39	2.77	5.54	8.31	11.08	13.85
64	.73	1.46	2.92	5.84	8.76	11.68	14.60
65	.77	1.54	3.08	6.16	9.24	12.32	15.40
66	.82	1.63	3.25	6.50	9.75	13.00	16.25
67	.87	1.72	3.44	6.88	10.32	13.76	17.20
68	.91	1.82	3.64	7.28	10.92	14.56	18.20
69	.97	1.93	3.85	7.70	11.55	15.40	19.25
70	1.02	2.04	4.08	8.16	12.24	16.32	20.40

Sec. 2. Every person before being admitted to membership must pay to the Collector for the Benefit Fund one assessment according to the foregoing table, and shall pay

a like amount bi-weekly every second Monday thereafter while in good standing, unless he shall have changed his grade as hereinafter provided.

Sec. 3. Every member in good standing on September 1, 1904, shall pay his assessments thereafter bi-weekly on every second Monday in accordance with the foregoing Table of Rates; and each member in good standing on that date shall make said payments based upon his attained age as of September 1, 1904. Any member in good standing on September 1, 1904, may, upon making written application for such privilege, make payments in accordance with the foregoing Table of Rates based upon his age at admission, provided he pay into the Benefit Fund of the Legion the amount of reserve under his Certificate, as required by Section 5, or agrees in writing that the amount of said reserve is to be charged against his Certificate to be deducted in any settlement with himself or his beneficiaries, and that he will pay interest upon the same in installments with his payments at the rate of four per cent. per annum. Any member availing himself of this privilege must sign the foregoing agreement upon a printed form to be furnished by the Legion, which must be delivered together with a payment based upon the age of admission, to the Supreme Secretary, or to the Collector of his Council to be forwarded to the Supreme Secretary, and upon notice that the same has been received and approved by the Supreme Secretary, shall become and be entitled to the privilege of making payments as aforesaid.

Sec. 4. No member shall have or exercise, after the second assessment falling due in the month of August, 1908, the privilege of paying part of his assessment in cash and having the remainder charged against his certificate; but each member must, commencing with the next assessment thereafter, pay all assessments in full, in cash, and as each assessment is due and payable, must pay in cash, interest at the rate of four per cent. per annum, upon all sums so charged theretofore, which sums so charged theretofore, until paid by such member, shall remain a lien upon his certificate and be deducted from any payment thereon.

Sec. 5. A reserve shall be accumulated and maintained upon the following basis, viz.: For each Certificate in force on September 1, 1904, the net select and ultimate reserve thereon by the Catholic Benevolent Legion's Experience Table and interest at four per cent. per annum. Such reserves shall be sufficient by the aforesaid standards, together with the ultimate net premiums, fixed by the ages on September 1, 1904, for members on that date, if under age 70, and by age 70 if aged 70 or over, and fixed by ages last birthday upon admission for members admitted after September 1, 1904, to keep these rates level throughout life, and to assure the payment of all benefits. Each member must maintain to his credit a net balance at least equal to the reserve upon his Certificate; any deficiency shall be a lien upon a member's insurance, accumulating at four per cent. interest, compounded annually, until the same is made good.

Sec. 6. The Supreme Council or the Secretary thereof shall have the right to call assessments in excess of the twenty-six assessments, as provided in this chapter, for the Benefit Fund, if deemed necessary. Notice of same to be published in the Bulletin.

Sec. 7. All payments made under the foregoing table shall be known as the Benefit Fund. The dates of such payments shall be kept by the Collector, to whom they must be paid, and the member credited with the same. Members shall be liable for all assessments due on and after the date of their admission.

Sec. 8. Five thousand dollars shall be the largest amount paid by the Legion on the death of a member, and twenty-five hundred dollars shall be the largest amount paid for permanent disability benefit, less any charges against his Benefit Certificate and any sums already advanced as a disability benefit. Five thousand dollars shall be paid on the death of every sixth grade member; four thousand dollars on the death of every fifth grade member; three thousand dollars on the death of every fourth grade member; two thousand dollars on the death of every third grade member; one thousand dollars on the death of every second grade member; five hundred dollars on the death of every first grade member, and two hundred and fifty dollars on the death of every industrial grade member, provided one assessment on all the members shall be sufficient to pay the death claims of any such deceased members. And one-half of the amount of each grade, less any charges against his Benefit Certificate, may be paid to a member of that grade who shall become

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permanently disabled from attending to his business and gaining a livelihood and is destitute of the means of support when he shall have arrived at the age of expectancy as determined in the following table, unless otherwise provided by the law of the State in which the Council is located, in which case the age of expectancy shall conform to the laws of said State.

EXPECTANCY TABLE.

Years Old.	Expectation. Years.	Years Old.	Expectation. Years.
18.....	44.3	42.....	26.7
19.....	43.6	43.....	26.0
20.....	42.2	44.....	25.3
21.....	41.5	45.....	24.5
22.....	40.9	46.....	23.8
23.....	40.2	47.....	23.1
24.....	39.5	48.....	22.4
25.....	38.8	49.....	21.6
26.....	38.1	50.....	20.9
27.....	37.4	51.....	20.2
28.....	36.7	52.....	19.5
29.....	36.0	53.....	18.8
30.....	35.3	54.....	18.1
31.....	34.6	55.....	17.4
32.....	33.9	56.....	16.7
33.....	33.2	57.....	16.1
34.....	32.5	58.....	15.4
35.....	31.8	59.....	14.7
36.....	31.1	60.....	14.1
37.....	30.4	61.....	13.5
38.....	29.6	62.....	12.9
39.....	28.9	63.....	12.3
40.....	28.2	64.....	11.7
41.....	27.5		

Sec. 9. On the death of a member in good standing the President of the Subordinate Council shall appoint a committee to ascertain the cause of death and the circumstances attending the same. The report of said committee, which shall be made, if practicable, at the meeting succeeding the death of the member, and proof of death, attested by the President and Secretary, shall be forwarded to the Secretary of the Supreme Council, under seal of the Council, together with an official notice of such death, in accordance with a form furnished by the Secretary of the Supreme Council. Such notice must state the name, age at date of admission, the number of the Benefit Certificate, the date and cause of death, the amount paid into the Benefit Fund, and the number of the grade of the deceased. Further proof may be required by the President of the Supreme Council.

Sec. 10. On the receipt of such official notice and proof of death of a member, if the claim shall be approved by the Supreme Secretary, after having been submitted to and passed upon by the Medical Examiner-in-Chief, the Supreme Secretary shall draw a warrant, countersigned by the Supreme President or Vice-President, or in their absence or inability to act, by the Chairman of the Finance Committee, on the Supreme Treasurer, in favor of the person or persons entitled to receive payment, and on receipt of the Supreme Treasurer's check, properly countersigned, for the amount due, shall forward same to the Treasurer of the Subordinate Council of which the deceased shall have been a member. If the claim shall be

disapproved by the Supreme Secretary, he shall, within ten days thereafter, mail, or cause to be mailed, notice of said disapproval to the postoffice address of the claimant or claimants, who if he or they wish to appeal from the decision of the Supreme Secretary, shall within thirty days after such mailing of such notice of disapproval, file with the Supreme President a written notice of such appeal to the Supreme President, who shall thereupon review such decision of the Supreme Secretary, and in whole or in part affirm or reverse such decision and disallow or allow payment of the claim, in whole or in part, as he may in his judgment deem right. The Supreme President shall, within ten days after rendering his decision, mail, or cause to be mailed a notice of such decision to the address of the claimant or claimants, who, if he or they wish to appeal from such decision, shall, within thirty days after such mailing of such notice of the Supreme President's decision file in the Supreme Secretary's office a written notice of appeal to the Supreme Council, and the decision of the Supreme Council shall be final in the matter. Each of the aforesaid decisions of the Supreme Secretary and Supreme President shall be final in the matter, unless an appeal therefrom shall be taken as hereinbefore provided for. Chapter XII., of the Laws of the Catholic Benevolent Legion, shall not be applicable to the claim of appeal or other matters mentioned, or provided for in this Section or in Section 12 of this Chapter.

The Medical Examiner-in-Chief shall receive such compensation for his services ren-

dered under this Section as the Finance Committee shall direct. The Supreme Secretary shall furnish the Medical Examiner-in-Chief with such clerical assistance as may be necessary to enable the Medical Examiner-in-Chief to keep proper records of all examinations by him herein provided for.

Sec. 11. It shall be the duty of the Treasurer of the Subordinate Council on the receipt of the check from the Supreme Secretary to immediately deliver it to the person or persons in whose favor it is drawn, or the legal representative, on the surrender of the Benefit Certificate properly endorsed, and forward the Benefit Certificate to the Supreme Secretary. A receipt for the check must be signed by the beneficiary or beneficiaries (or legal representative) in the presence of and be witnessed by the President, Secretary and Treasurer of the Subordinate Council, and be immediately thereafter forwarded to the Supreme Treasurer. Said delivery shall be certified to by the President and Secretary and attested with the seal of the Council and spread upon the records of the Subordinate Council.

Sec. 12. When application shall be made by a member for a permanent disability benefit the President of the Council of which he is a member shall appoint a committee of three, who, with the Medical Examiner, shall investigate the application and report in writing to the Council the nature, cause, duration, and all other circumstances attending such disability. The Secretary of the Council shall notify all other Councils within the district of such application and give the names and

addresses of the members of the Committee so appointed and the President of each of the Councils so notified shall appoint a member of his Council to act in an advisory capacity with the investigating committee of the Council of which the applicant is a member. If the report of such committee be in favor of the application the President shall announce that a ballot upon the granting of the same shall be taken at the next stated meeting of the Council. At the next stated meeting such ballot shall be taken under the same rules as govern the ballot for admission to membership. If the application be granted by the Council, notice of such action shall be forwarded to the Secretary of the Supreme Council in the same manner as in case of death as provided for in Section 9, so far as applicable. On the receipt of such official notice of permanent disability application, the Secretary of the Supreme Council shall forward the same to the President of the Supreme Council, who shall make further investigation if deemed necessary and on his final approval he shall direct the Secretary of the Supreme Council to draw an order on the Treasurer of the Supreme Council in favor of the disabled member for one-half the amount of the Benefit Certificate less any charges against said certificate. The Secretary of the Supreme Council shall thereupon draw such order for the amount specified, and on receipt of the Treasurer's check, properly countersigned, forward it to the Treasurer of the Council of which the applicant is a member. The decision of the President in allowing or disallowing claims for permanent disability benefits shall be final and binding

if no appeal be taken to the Supreme Council. Appeals may be taken in such cases to the Supreme Council within thirty days after notice of the President's decision shall have been given the applicant; and the decision of the Supreme Council on such appeals shall be final.

Sec. 13. The Treasurer of the Council shall pay the check to the person in whose favor it is drawn and take from him his certificate with a receipt thereon endorsed for the amount of the disability benefit, and the sum of fifty cents for a new certificate, and forward it to the Secretary of the Supreme Council, who will return a new certificate for one-half the amount of the original. The payment of the disability benefit shall be attested by the President and Secretary of the Subordinate Council, and a record to that effect shall be spread upon the minutes of the Council.

Sec. 14. To meet the requirements of the Benefit Fund there shall be due and payable by each member-at-large to the Supreme Secretary, and by each member of a Subordinate Council to the Collector thereof, an assessment bi-weekly on every second Monday. Provided, however, if any payment falls due on a legal holiday the same shall be made on the first business day thereafter. No other or further notice to members of these regular assessments shall be necessary. Members shall be liable for all assessments due on and after the date of their admission. And any member failing to pay any such assessment when due shall stand suspended of his membership in the Legion.

Sec. 15. On or before the first day of each month the Corresponding Secretary will mail to every member of the Legion a Bulletin of information to include a list of all death and disability benefits of members which have been reported during the previous month, and such information as may be determined by the Supply Committee on a form approved by them.

The Corresponding Secretary is authorized, in the event a Council by resolution requests that the Bulletins for its members be mailed to its Collector instead of to the members direct of such Council, to mail said Bulletins to the Council, as directed by the resolution of said Council instead of to the members of such Council direct.

The sole intention of this Section is to give the members information from time to time, and whether said Bulletins are so mailed to members or to the Councils by the Corresponding Secretary, in no event shall the failure to mail such Bulletins to the members or to the Councils in any way affect the validity of the suspension of any member; nor shall the failure either of the Council or the member to receive such Bulletins invalidate in any manner the suspension of any member who fails to pay his assessment or Maintenance and Extension contribution as provided by law.

Sec. 16. The Supreme Secretary and every Collector shall within five days from the day on which an assessment is due remit the amount received by them for such assessment to the Supreme Treasurer by check or draft reading "For deposit to the credit of the Ben-

efit Fund of the Catholic Benevolent Legion," accompanied by a statement including the number and amount of the assessment, number of members remitted for, date of remittance, increase or decrease in membership, on a form provided by the Supreme Council, which statement must be made out and signed by the Collector in duplicate, the duplicate to be forwarded to the Secretary of the Council and by him to be read at the next meeting of his Council.

Sec. 17. The Collector being solely the agent of the members of the Council electing him, and amenable to them, for failure to secure the reception of an assessment by the Supreme Treasurer within ten days from the day it is due, the Supreme Secretary shall cause to be served upon the President and Secretary of the Subordinate Council of which the Collector defaulting is a member a notice that such assessment or assessments have not been received, and if such assessments are not received within ten days thereafter such Council shall be suspended. The Supreme Treasurer will notify the Supreme Secretary of the failure of any Council to remit an assessment within the prescribed time, who shall record such Council suspended and immediately mail notice of suspension, giving the cause and date thereof, to the President, Secretary and Collector of such Council; and if under the jurisdiction of a State Council to the Secretary thereof, also to the President of the Supreme Council.

Sec. 18. Any Council so suspended may be reinstated by the payment, within thirty days to the Supreme Treasurer of the amount due

the Benefit Fund, and also a fine of two (2) dollars, which shall be paid to the Supreme Secretary for the General Fund of the Supreme Council, and the reinstatement shall be certified to by him, and failing to comply with the above provision such suspended Council shall become dissolved if the Supreme President shall so order.

Sec. 19. The Supreme Treasurer shall receive from each Subordinate Council all money for the Benefit Fund and acknowledge the same to the Collector thereof according to the following form: "Supreme Council, etc., date.....; received this day from..... Council, No..., of the C. B. L., dollars on account of Assessment No. The amount has been reported to the Supreme Secretary who will compare it with the records in his office and certify to the Council whether it is correct, and, if correct, transmit receipt therefor. It being understood that this acknowledgment in no manner recognizes the standing of the Council or any of its members,"—and send immediately to the Supreme Secretary a receipt for this amount. The Supreme Secretary shall attest the receipt and forward it to the Subordinate Council, notifying it if the amount is correct according to the record of the Council in the Supreme Council office; and for this purpose the Supreme Secretary shall keep a full and complete record of the membership of each Subordinate Council. If the amount forwarded to the Supreme Treasurer is insufficient, the Supreme Secretary shall at once notify the Subordinate Council of the error, and if the same is not corrected

within twenty days after such notice it shall be the duty of the Supreme Secretary to notify the Supreme President, who shall at once declare such Council suspended. If the amount forwarded to the Supreme Treasurer is too large the Supreme Secretary shall notify the Subordinate Council and place the surplus to its credit on the next assessment.

Sec. 20. The State Secretaries shall be notified by the Supreme Secretary of each death and call for an assessment, and they shall keep a record thereof.

Sec. 21. In the case of a member-at-large the provisions of the foregoing sections shall be enforced by the Supreme Council, or its President during a recess thereof, and all duties prescribed for the Secretary and Collector of a Subordinate Council in relation to its members will devolve upon the Supreme Secretary so far as applicable to members-at-large.

Sec. 22. A Council may authorize the payment of a member's assessment as a loan or gift from its General Fund, but such payment must be actually made to the Collector in cash within the time prescribed for the payment of said assessment.

Sec. 23. Any provision of the Constitution and Laws of this Council inconsistent with the foregoing amendments is hereby repealed and shall be inoperative and void.

Sec. 24. Any member in good standing who shall arrive at the age of 70, not having received any permanent disability benefits, may at his option, upon the payment of all dues and assessments then due, surrender his

Benefit Certificate to the Secretary of his Council, and if a member-at-large, to the Supreme Secretary, and have issued to him in place thereof a new Benefit Certificate for one-half face value of the certificate so surrendered less any charges against the same. And thereafter such member shall not be required to pay any further assessments to the Benefit Fund of the Legion, but shall be required, in order to retain his membership in the Legion, and his rights for himself, and his beneficiaries under said new certificate to comply with all the laws of the Legion except the payment of assessments, and if he fails thereafter to pay his dues and other charges, he shall be suspended and forfeit all Benefits under the said new Certificate and in the Legion.

Issuing of such new certificate shall cancel and render null and void all other Benefit Certificates heretofore issued to the member.

A member availing himself of this option and afterward allowing himself to be suspended for non-payment of dues may be reinstated by making application for same to his Council in session with a fee of \$1.00 for reinstatement within 60 days after suspension, and notification of such application be filed with Supreme Secretary at once, when, if there be no objection against his reinstatement, the Supreme Secretary shall immediately notify the subordinate officers to again place his name on the roll.

CHAPTER II.

BENEFIT CERTIFICATES.

Section I. Every Council shall forward to

the Supreme Secretary all applications for membership immediately after the applicant's admission, and with each application for membership one dollar to pay for Benefit Certificate, registering of name and filing of application.

Sec. 2. Each applicant must enter on his application the name or names of his proposed beneficiaries, stating the degree of relationship or dependence, and the same shall be entered in the Benefit Certificate by the Supreme Secretary.

Sec. 3. A member in good standing may at any time surrender his Benefit Certificate to the Secretary of his Council for change of beneficiary and have a new one issued payable to such legal beneficiary or beneficiaries as he may direct, as provided in the foregoing section, upon the payment of a certificate fee of fifty cents. The right to receive the benefit will vest in the new beneficiary or beneficiaries named in this application so soon as endorsed over his signature on the Benefit Certificate, duly attested by two witnesses, one of whom must be a member of the Legion. In case a Benefit Certificate is lost or beyond the member's control, the member may by a written request, witnessed as required by this section, and stating in writing that all claims under the former Benefit Certificate are surrendered, and requesting that a new certificate be issued to him payable to the same or new beneficiary or beneficiaries, in accordance with the Laws of the Legion, and accompanied by an affidavit setting forth the facts of the loss of the former certificate, or how such certificate is

beyond the member's control, which affidavit shall be in form satisfactory to the Supreme Secretary and accompanied by a fee of fifty cents, thereupon the Supreme Secretary shall issue to such member a new certificate payable to the beneficiaries as requested. The issuance of such new certificate in accordance with the Laws of the Legion shall cancel and render null and void any and all certificates heretofore issued to the member, and the right to receive the benefit will vest in the new beneficiary or beneficiaries named in the application for the issue of a new certificate at the time when such application shall be filed with the Secretary of the Subordinate Council.

Sec. 4. In the event of the death of one or more beneficiaries prior to the death of the member and no change of beneficiary shall have been made as provided by the Laws of the Legion, the share or shares to which said beneficiary or beneficiaries would have been entitled shall be paid to the legal representative of the deceased beneficiary, to be distributed to his or her heirs-at-law according to the law of the State or commonwealth in which he or she resided.

Sec. 5. A member in good standing, whether or not he has received permanent disability benefit, may change his grade of membership to a lower one by surrendering his certificate to his Council with a fee of fifty cents and a written request on his Benefit Certificate, and signed by him and witnessed by the Secretary or acting Secretary of the Council, designating the grade he desires; and the change shall be deemed made and shall

date from the time of the date of such request. The surrendered Benefit Certificate and request for the change with the fee shall be forwarded to the Supreme Secretary who will thereupon issue a new certificate of the required grade. If the member has before changing his grade received his permanent disability benefit such new certificate shall be for only one-half the amount of such new grade and he shall pay the full assessment on the new grade.

Sec. 6. A member under fifty-five years of age may change to a higher grade by making written application upon the form presented for that purpose, on being examined and recommended by the Medical Examiner of his Council and approved by the Medical Examiner-in-Chief, and balloted for in the manner prescribed for new members. He shall pay assessments thereafter at the same rate for the additional benefit as a new member of the same age, and his right to disability benefit for the increased amount, shall be computed according to the age at which he was assessed on the higher grade. A member so changing shall surrender his Benefit Certificate and pay fifty cents to the Secretary of his Council, who shall forward the application certifying thereon the date of change, Examiners' Certificate, Benefit Certificate, and fifty cents to the Supreme Secretary, who shall issue a Benefit Certificate of the required grade.

Sec. 7. The charter, application for membership, medical examination, constitution and laws of the society, shall constitute the contract between the member and the society,

and any changes, addition, or amendments to the charter of this society, constitution or laws duly made or enforced subsequent to the issuance of the Benefit Certificate shall bind the member and his beneficiary and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were enforced at the time of the application for membership, and shall be set forth in the benefit certificate.

CHAPTER III.

INSTITUTION AND CONSOLIDATION OF COUNCILS.

Section 1. No Subordinate Council shall be instituted for a sum less than \$25.

Sec. 2. No Council of the Legion shall be instituted until the medical examination of each charter member has been approved by the Medical Examiner-in-Chief.

Sec. 3. The charter shall be closed at the time of instituting a Council, and no person can be received as a charter member after that time. The instituting officer shall require the signers of an application for charter then present to ballot among themselves to see whether they will associate as members of this Legion with all the applicants then present. If two or more black balls appear, each must be balloted for as hereinafter provided for the election of members in Article VI, Section 2, Subordinate Constitution.

Sec. 4. It shall be the duty of the instituting officer to see that the Medical Ex-

aminer is legally qualified; to deliver to him a copy of the instructions to Medical Examiners; to examine the credentials of Comrades applying by card; to inspect all the applications and medical examinations and see that the medical examinations have been made within sixty days and approved by the Medical Examiner-in-Chief, and that the papers are correct in form and the laws complied with before permitting the applicants to ballot; to explain to the petitioners the duties of each officer of a Council before an election is had, and to instruct the officers in their respective duties.

Sec. 5. A charter petitioner who is not present at the institution of the Council but whose application has been approved by the Medical Examiner-in-Chief and who is in other respects qualified, may be elected at the first meeting of the Council and admitted at any stated meeting thereof within sixty days from the date of his medical examination, but shall not be recorded as a charter member.

Sec. 6. A charter petitioner who is a member of the Legion-at-large or holding a withdrawal card shall present to the instituting officer satisfactory evidence of his good standing before participating in the institution of the Council.

Sec. 7. Each new Council within ninety days after its institution shall be visited by a Deputy Supreme or Deputy State Chancellor appointed for the purpose, who shall see that it is properly instructed, examine the records, roll of membership and account

books, and report in writing to the Supreme or State Secretary within ten days thereafter.

Sec. 8. If two or more Councils in the same city or town wish to consolidate they may so determine by a three-fourths vote of the members present at any regular or special meeting called for the purpose, upon due notice of such intention to consolidate being given to all members, in which case a committee of three members shall be appointed from each Council to arrange the terms therefor. The committee shall then report the facts and their opinion as to the consolidation, and if favorable to consolidation recommend the adoption of a name and the number of one of said Councils and the date on which consolidation shall take effect. The adoption of the report of the committee shall require a two-thirds vote of the members present at any regular or special meeting called for the purpose.

Sec. 9. If both Councils shall adopt the report of the committee, the Secretary and Collector of each Council shall forthwith forward to the Supreme Secretary a complete copy of the roll of membership in each Council, together with a statement showing the assessments paid by each Council, and the amount of said assessments. New Officers shall be elected as provided for in case of new Councils, excepting that all Chancellors in good standing in the several Councils consolidated shall become and be Chancellors of the consolidated Council. The consolidation shall take place under the supervision of the Supreme or State Secretary or a Deputy Chancellor appointed for the purpose, who

shall install the officers, and make report to the Supreme and State Secretary.

Sec. 10. The Secretary and Collector of the consolidated Council shall within four days after the consolidation forward to the Supreme Secretary, under seal, a list of the members in the order of record on the roll and benefit account book of the new Council.

Sec. 11. The consolidated Council shall assume and discharge all the liabilities of the Councils consolidated.

Sec. 12. A member of either Council proposing to consolidate not wishing to join the consolidated Council may pay all assessments due on or before the date of consolidation and one additional assessment in advance and shall receive a withdrawal card free of charge (prior to the consolidation) which card shall be good for thirty days. If he neglects to deposit his card in some other Council within said thirty days his membership in the Legion shall cease on the date when the assessment paid by him in advance shall be due to the Supreme Treasury. If his application for admission to another Council is rejected, he shall be entitled to the privilege of a member-at-large as provided in the laws of the Legion.

Sec. 13. A member of either of the consolidated Councils who was under suspension at the time of consolidation may apply to the consolidated Council for reinstatement and his application shall be received subject to the provisions of the laws of the Legion.

CHAPTER IV.

REPORTS AND REMITTANCES.

Section 1. Councils under the jurisdiction of State Councils shall make semi-annual reports to the Supreme Council up to the first day of January and the first day of July in each year and transmit the same to the Supreme Secretary within ten days thereafter in accordance with blank furnished by the Supreme Secretary; and in addition thereto shall make such reports as the State Council may require. And any such Council failing to make reports as provided shall be declared in arrears, and if reports be not received within five days thereafter may be suspended.

Sec. 2. Councils shall forward their semi-annual reports and per capita tax direct to the Supreme Secretary within ten days from the close of each term in accordance with the blank furnished, and the Supreme Secretary shall notify the Deputy Chancellor at or before the second meeting in July, and prior to the installation of officers in January, whether the reports and per capita tax have been forwarded, and no officers shall be installed until the law has been complied with. And any such Council failing to make reports as provided shall be declared in arrears, and if reports be not received within five days thereafter may be suspended. State Secretaries on the first days of December and June in each year shall furnish to the Supreme Secretary a list of Deputy State Chancellors who have been appointed to visit, inspect and install officers of Subordinate Councils, with

the name of the Council to which he is assigned.

Sec. 3. State Councils shall report to the Supreme Council all suspensions and dissolutions of Councils within their respective jurisdiction, giving the date and cause thereof, and they shall report also the date and manner of all reinstatements. A Council suspended by authority of a State Council shall in no way be recognized as in good standing by the Supreme Council until it is reinstated.

Sec. 4. All semi-annual reports shall be made in duplicate and a copy kept on file by the Council.

Sec. 5. Each Subordinate Council shall forward to the Supreme Secretary a copy of its roll of membership and a statement of its Benefit Fund account whenever required.

CHAPTER V.

PENALTY FOR ARREARS TO SUPREME COUNCIL.

Section 1. A Representative cannot be admitted to the Supreme Council if the State or Subordinate Council of which he is a member is in arrears to the Supreme Council.

Sec. 2. A Subordinate Council failing to pay its per capita tax within thirty days from the commencement of each term, viz: January and July 1st of each year, shall be declared in arrears; and if the per capita tax be not paid within ten days thereafter may be suspended.

CHAPTER VI.

MISCONDUCT OF COUNCILS, OFFICERS, AND MEMBERS.

Section 1. When charges are preferred against a State Council, or a Subordinate Council not under the jurisdiction of a State Council, for violation of the Constitution, laws or regulations of the Legion, the Supreme President shall furnish it a copy of the same and shall appoint a committee of three members of the Legion to assemble at such time and place as may be determined; he shall notify the Council against which charges have been preferred, and also the party bringing the charges, of the time and place of the meeting of the said committee, and it shall be the duty of the said committee, or a majority thereof, to meet at the time and place named and then and there to hear and reduce to writing all testimony offered by the accuser and the accused, then said testimony shall be signed by the witnesses so testifying, and the committee, or a majority thereof, shall submit to the President of the Supreme Council a written report and opinion, and he shall have full power and authority to carry out and enforce the penalties recommended in said report and opinion, provided they meet his approval, and he shall report the same and his action thereon to the next meeting of the Supreme Council for its approval or rejection; then if the proceedings of the committee and action of the President be approved by the Supreme Council the same shall be final, otherwise void.

Sec. 2. A State or Subordinate Council

may be suspended or dissolved and its charter forfeited to the Supreme or State Council:

1st.—For improper conduct.

2d.—For neglecting or refusing to conform to the Constitution or Laws of the Supreme Council or the general laws and regulations of the Legion.

3d.—For neglecting to hold regular meetings, unless prevented by some excusable circumstance; if a State Council, when the membership within its jurisdiction has become less than two hundred and fifty; if a Subordinate Council, when its membership has become less than seven.

4th.—For neglecting or refusing to make reports, for non-payment of assessments, or for non-payment of per capita tax.

5th.—For exchanging communications with other Councils in relation to the Benefit Fund, or other matters pertaining to the exclusive jurisdiction of the Supreme Council; or for issuing any circular which shall be defamatory of the Supreme or any other Council of the Legion, or which may bring the Legion into disrepute or contempt.

6th.—For failing to prefer charges against a member amenable thereto under Articles X. and XI., Subordinate Constitution, within thirty days after the commission of an offence, or for failing to duly try a member when charges have been preferred against him, or for failing to enforce sentence against a member convicted under said Articles within ten days of his conviction.

But the charter shall not be forfeited in

either of the above cases until the State or Subordinate Council shall have been notified thereof by the Supreme or State Secretary, and a suitable opportunity given to answer the charge or charges against it.

Sec. 3. To suspend or dissolve a State Council a two-thirds vote of the members present at any regular session of the Supreme Council, or at a special session called for the purpose, shall be required. To suspend or dissolve a Subordinate Council a two-thirds vote of all the members present at any regular session of the Supreme or State Council, or at a special session called for the purpose, shall be required; provided that any State Council may be suspended by the Supreme President during a recess of the Supreme Council; whenever such State Council shall neglect or refuse to make its reports and remittances or pay its indebtedness to the Supreme Council; and if a State Council shall fail to comply with the law and be suspended, thereupon the Subordinate Councils under its jurisdiction shall immediately come under the exclusive jurisdiction of and make their reports and remittances to the Supreme Council; and provided, also, that any Subordinate Council may be suspended and the members thereof deprived of all benefits from the Benefit Fund by the Supreme President whenever such Subordinate Council shall neglect or refuse to make its reports or fail to pay its assessments to the Benefit Fund, or fail to pay its indebtedness to the Supreme or State Council within the legal time, or shall fail or refuse to obey the lawful mandate of a State President during a recess of the State

Council. During the recess of the Supreme Council the President shall exercise all its powers relative to the suspension of State or Subordinate Councils subject to the action of the Supreme Council at its next session.

Sec. 4. A State or Subordinate Council suspended by the Supreme President may be reinstated by him upon the removal of the cause of suspension, or he may for satisfactory reasons rescind the order of suspension.

Sec. 5. (1.) When charges are preferred against a State or Subordinate Council and it neglects or refuses to answer the same within thirty days from the date it receives notice of said charges, it may be tried and suspended, or dissolved, for contempt.

(2.) In case of Councils or members under the jurisdiction of State Councils, the State President shall exercise similar authority to that conferred on the Supreme President.

Sec. 6. Upon being notified of the dissolution of a State or Subordinate Council, the Supreme or State President shall, in person or through a Deputy, demand the surrender of the charter, property and effects of such dissolved State or Subordinate Council. When a State or Subordinate Council is dissolved it shall be the duty of its senior officers to deliver up the charter, books, funds, and other property and effects to the Supreme or State President or his Deputy, and any officer or member having the custody of any part of said property or effects refusing to surrender the same may be forever excluded from membership in the Legion, even if his Council be reinstated.

Sec. 7. All funds and effects received by the Supreme or State Council from a dissolved State or Subordinate Council shall be restored in the event of its being reinstated, which reinstatement may be done by a majority vote of the Supreme or State Council at a stated or special meeting, or during a recess by the Supreme President in case of dissolution of a State Council, or of a Subordinate Council under the exclusive jurisdiction of the Supreme Council, or by the State President in case of dissolution of a Subordinate Council, upon the payment of all dues and assessments due at the date of dissolution; provided, however, that in no case shall any Council that has been dissolved by the Supreme Council or its President be reinstated by an inferior authority,

Sec. 8. A member who has paid all assessments and dues to his Council at the time of suspension of his Council or its dissolution without previous suspension, shall not be deprived of his interest in the Benefit Fund, provided he pays to the Supreme Secretary within forty-five days thereafter every assessment that may have been paid by him but from any cause failed to reach the Supreme Treasurer, and all assessments that may become due subsequent to such dissolution or suspension, until he is admitted to another Council or his Council is reinstated, and upon written application notices of such assessments will be mailed by the Supreme Secretary to the address furnished by said member. He shall within forty-five days from the date of dissolution or suspension of his Council (if said Council be not in the mean-

time reinstated) pay one dollar for the General Fund to the Supreme Secretary, who shall furnish him therefor a card bearing his name and address as given, under the seal of the Supreme Council, signed by its President and countersigned by its Secretary, good for four months, entitling him to the rights and privileges of a member-at-large. Any member of a defunct or suspended Council failing to make application for such card as above required shall stand suspended from all benefits, but may be admitted as a new member in accordance with Art. VI., Subordinate Constitution, provided that a statement of the facts be submitted with and made part of the application for such new membership.

Sec. 9. Any member of a defunct Council who may have been refused admission by card to another Council, or who fails to deposit his card in another Council, after the expiration of the four months allowed, may be retained as a member-at-large (but receiving no sick benefit) by paying his assessments to the Supreme Secretary, the same as if he were connected with a Subordinate Council, provided that such member shall pay as dues to the Supreme Council one dollar per quarter, payable quarterly in advance, on the last days of March, June, September and December, respectively, and he shall receive from the Supreme Council a card which will admit him to any Subordinate Council as a visiting Comrade during the time for which his dues are paid, and such card shall be in place of the card referred to in the foregoing Section. The Supreme Secretary shall keep a roll of members-at-large and their standing in the Legion.

Sec. 10. Any officer or officers of a State or Subordinate Council may be suspended by the Supreme Council when in session, or by the Supreme President when not in session, for refusing to submit its books and papers for examination upon the order of the Supreme Council or the Supreme President, or for refusing to comply with any order of the Supreme Council or Supreme President, or for refusing to comply with the Laws of the Legion, or for refusing to pay over to the Supreme Council or its proper officers any funds in his hands collected for the Supreme Council or any per capita tax collected from Subordinate Councils, or refusing to pay the warrant or order of the proper officers of his own Council for the payment of money due the Supreme Council, or for the failure of such officer or officers to order the payment of funds collected for and due and belonging to the Supreme Council; and in addition to the suspension of such officer or officers for failure to order said payments, the Supreme Council, or the Supreme President, when the Supreme Council is not in session, shall draw an order on the officer of such Council for the payment of said funds, which order shall be immediately honored and paid by the officer in charge of said funds. Upon the failure of such officers to honor and pay said order, he shall be immediately suspended from his said office by the Supreme Council, and if not in session by the Supreme President, and all of the funds in his possession or under his control or wherever deposited shall be taken in possession by the Supreme Council, and if not in session, by the Supreme President, to be held until his successor is

appointed or elected. And a certified copy of the suspension of such officer or officers, under the seal of the Supreme Council and signed by the Supreme Secretary shall be lodged with any bank or depository holding such funds, and shall authorize immediate payment of such funds as above set forth. The Supreme Council, if in session, and the Supreme President, when the Supreme Council is not in session, shall upon the suspension of said officer or officers appoint some member of said Council to fill said office until the successor or successors of said deposed officer or officers are elected by his Council. Any such suspended officer or officers may be reinstated in his office in the discretion of the Supreme Council or Supreme President, except where said officer or officers refuse to obey an order of the Supreme Council or of the Supreme President, as above provided.

CHAPTER VII.

COLORS AND SEALS.

Section 1. The colors of the Legion shall be:

For Supreme Council, Red.

For State Councils, White.

For Subordinate Councils, Blue.

Sec. 2. The Supreme Council shall provide a seal of appropriate design, which shall be affixed to all its official documents. Each State and Subordinate Council shall within thirty days from the date of its organization procure a seal and furnish the Supreme Secretary and State Secretary with an impression thereof.

CHAPTER VIII.

MEDICAL EXAMINATIONS.

Section 1. The Supreme President, upon consultation and in concurrence with the Medical Examiner-in-Chief, shall at his pleasure commission suitable persons to be Medical Examiners for Subordinate Councils. They shall be graduates of reputable Medical Colleges and practising physicians in good standing. No examination for the Legion shall be legal unless by an Examiner so commissioned, except by the special dispensation of the Supreme President for cause satisfactory to him, the Medical Examiner-in-Chief concurring in said dispensation.

The expense of medical examination of each applicant is not to exceed \$2.50 in each case (including the 50 cent fee for the Medical Examiner-in-Chief, when applicant is accepted by the local Medical Examiner). When applicant is rejected by the local Medical Examiner the fee is not to exceed \$2.00.

Sec. 2. It shall be the duty of the Medical Examiner to carefully examine every applicant for membership in accordance with the prescribed form, which when properly filled out, and not rejected by him, must be at once forwarded to the Medical Examiner-in-Chief for his decision.

Sec. 3. A Medical Examiner may be declared incompetent and disqualified from performing the duties of his office by the Supreme President whenever in his judgment he shall fail to perform his duties properly or recommend a person of unsound health for

membership. Whenever the Supreme President is satisfied that the Medical Examiner of any Council is incompetent to fill the position, immediate notice shall be given said Medical Examiner and the Council to which he belongs that said Medical Examiner is disqualified from making any further examinations. Any physician who shall examine a candidate after the receipt of such notice shall be expelled from the Legion, and any Council that shall permit such an examination after receiving notice may be suspended.

Sec. 4. Should a Medical Examiner be in doubt as to the physical fitness of an applicant to become a member of the Legion, he shall after an examination of such applicant make a written statement of his physical condition and forward the statement and his opinion, together with the medical examination on the prescribed form, to the Medical Examiner-in-Chief.

Sec. 5. No person shall be elected to membership before the medical examination of such person has been submitted to and approved by the Medical Examiner-in-Chief.

CHAPTER IX.

MEMBERSHIP APPLICATION FROM THE JURISDICTION OF ANOTHER COUNCIL.

Section 1. When application for membership is made to any Council by a person residing within the jurisdiction of another Council it shall notify the other of the fact in accordance with the following form:

____ Council, No. _____, C. B. L., _____, 19____
 To the President, Officers, and Members of
 Council, No. _____:

Comrades: At a regular meeting of this
 Council held this evening, _____ filed a peti-
 tion for membership. Age is _____ years; oc-
 cupation _____; residence _____.

The same was referred to Comrades

_____	} Investigating Committee.

Please inform this Council or the Investi-
 gating Committee of any objections to the
 candidate's admission. If none are made
 within two weeks a ballot may be taken.

_____, Secretary.

All such applications shall lay over two
 weeks from the date the application was read
 in the Council before any ballot shall be had
 thereon.

Sec. 2. In cities of over twenty thousand
 inhabitants within the jurisdiction of a State
 Council, the State President, Vice-President
 and Secretary may subdivide such city into
 districts, and when practicable assign a sep-
 arate territory to each Council. If desirable,
 two or more Councils may be given concur-
 rent jurisdiction over the same territory.
 When an application for membership is re-
 ceived by a Council in a city so subdivided it
 shall be required to notify the Council or
 Councils within whose jurisdiction the appli-
 cant resides.

Sec. 3. Whenever a candidate is rejected
 the Secretary shall immediately communicate
 the fact to the State Secretary, provided such

Council be under the jurisdiction of a State Council, otherwise to the Supreme Secretary, giving the name, occupation and residence of said rejected candidate. The State Secretary, or where there is no State Council, the Supreme Secretary, shall issue bi-monthly circulars to the Subordinate Councils within the State giving all the facts of such rejection. The Secretaries of Councils receiving such notice shall keep a record in the Black Book of the same.

CHAPTER X.

APPLICATIONS FOR MEMBERSHIP AND MEDICAL EXAMINER'S BLANKS.

Section 1. Applications for membership after being acted upon in a Council shall be delivered by the Secretary to the Medical Examiner. After the examination has been acted upon and returned by the Medical Examiner-in-Chief the Secretary shall notify the Council of his decision.

Sec. 2. All applications for membership, Medical Examiners' blanks and all forms appertaining to the Benefit Fund, shall be printed and furnished exclusively by the Supreme Council.

Sec. 3. Any person obtaining admission into the Legion by false or fraudulent statement, concealment or evasion of facts regarding personal or family history or condition of health, invalidates his Benefit Certificate, which shall be cancelled by order of the Supreme President. On the receipt of satisfactory information the Supreme President shall

institute inquiries touching the manner by which such member obtained admission into the Legion, and if convinced that the case demands investigation, he shall appoint three members of the Legion to investigate the same, and if the charge of falsehood, evasion or concealment of facts be sustained, the member so charged shall be dropped from the rolls of the Legion and shall forfeit all rights to its benefits.

CHAPTER XI.

Section 1. Any member who shall be found guilty of violating the Constitution or any general law or mandate of the Supreme Council shall be suspended or expelled as the Supreme Council may determine, and the name of any member who may have been expelled for any cause shall be reported to the State Secretary, provided the Council is under the jurisdiction of a State Council, or otherwise to the Supreme Secretary, to be entered on the bi-monthly circulars to Subordinate Councils for record in their Black Books.

CHAPTER XII.

MODE OF APPEAL.

Section 1. Any comrade or other person considering that the decision, act or omission of any officer or Council of this Legion is unjust, violative of, or not in accordance with the Constitution and Laws of the Legion, shall have the right to appeal in manner following:

1. From the President to the Council at the same meeting.

2. From the Council to the Deputy Chancellor within ten days.

3. From the Deputy Chancellor to the District Deputy, where such District Deputy exists, within ten days.

4. From the District Deputy to the State Council if in session, and if not in session to the State President within twenty days.

5. From the State Council or State President to the Supreme Council if in session, and if not in session to the Supreme President within thirty days.

6. From the Supreme President to the Supreme Council, provided that in all matters affecting the Benefit Fund the appeal shall be taken direct to the Supreme Council if in session, and if not in session to the Supreme President.

Sec. 2. A State or Subordinate Council shall have the same right of appeal as individual comrades.

Sec. 3. The appellant must take the appeal in writing, except from the decision of the President to the Council in session, and serve a notice of such appeal on the respondent. He shall set forth in such notice the decision, act or omission, and the grounds of appeal. The respondent shall within thirty days make return to the officer or Council to whom such appeal has been taken of a copy of the minutes and proceedings relating to the subject matter of the appeal, duly certified

by the authority deciding the same, and attested by the officer or Council with whom the same has been filed, such return shall be final unless otherwise ordered by the authority to whom said appeal has been taken.

Sec. 4. All appeals must be decided or referred to the next higher authority within sixty days from the receipt of the same, and the parties in interest immediately notified of such decision or reference.

Sec. 5. No claim shall be made against the Legion or any Council or officer thereof until the appeals hereinbefore provided for have been taken and decided.

CONSTITUTION

Governing Subordinate Councils of the Catholic Benevolent Legion.

ARTICLE I.

COMPOSITION, NAME AND POWERS.

Section 1. This Council shall consist of not less than seven members having the requisite qualifications for elective officers, and shall possess all of its powers and privileges under the jurisdiction of the Supreme and State Councils of the Catholic Benevolent Legion while acting in conformity with the laws, rules and regulations of said Councils, under whose authority it exists by virtue of a charter duly granted by the Supreme Council.

ARTICLE II.

TIME AND PLACE OF MEETING.

Section 1. The stated meetings of this Council shall be held weekly or semi-monthly on the day and hour set by this Council in its By-Laws, and if changed the Secretary shall notify the Supreme or State Secretary forthwith of the change.

SPECIAL MEETINGS.

Sec. 2. Special meetings of this Council shall be called by the President upon the written request of seven of its members, stating the object thereof. The Secretary shall give timely notice of such call and the object thereof to all of its members, and no other business than that stated in the call shall be considered at such meeting.

OPENING AND QUORUM.

Sec. 3. This Council shall be opened at the time prescribed in its By-Laws if six members in good standing are present, which number shall constitute a quorum for the transaction of business. In the absence of the President, Vice-President and Orator, the senior Chancellor present shall take the chair. If no Chancellor is present, any member in good standing may be chosen to preside by a majority of the members present.

Sec. 4. The Order of Business shall be such as is prescribed in the Manual and shall not be transposed except for a special occasion, and then only by a two-thirds vote.

ARTICLE III.

OFFICIAL SEAL AND STAMP.

Section I. This Council shall have a seal of appropriate design which shall be affixed to all official documents and papers issued by and under its authority, an impression of which shall be deposited in the offices of the Supreme and State Secretaries; provided, that the Collector may have an official stamp which may be affixed to all papers issued by him instead of the seal.

ARTICLE IV.

OFFICERS.

Section I. (I.) The officers of this Council shall be the President, Vice-President, Orator, Chancellor, Secretary, Collector, Treasurer, Chaplain, Marshal, Outside Guard, Inside Guard and three Trustees, who shall be elected annually at the first stated meetings in December, except the Chancellor, who may only be elected for the first term of a new Council, except in the event of a vacancy as provided for in the following paragraph:

This Council shall also at the same time, in the year immediately preceding the holding of a regular State Convention, elect one representative and one alternate to the State Council and one additional representative and alternate for every one hundred members in good standing on its roll book, who shall hold office until immediately preceding the regular meeting of the State Council next succeeding the one to which they were elected. Additional representatives and alternates may be elected at any stated meeting other than the

annual meeting as herein set forth, but not later than thirty days prior to the date on which the next State Convention shall be convened, provided it can be shown from the roll book of membership that this Council is entitled to additional representative and alternate in accordance with the intention of this section; and it shall certify under seal such election and the number of its members in good standing at the date of such election to the State Secretary at least fifteen days before the meeting of the State Council; such representative and alternate shall hold office for the remainder of the term expiring immediately preceding the regular meeting of the State Council next succeeding the one to which they were elected. No member shall be eligible to office of representative or alternate except the President or a Chancellor or one who has served as Secretary or Collector of this Council for a period of at least three consecutive years.

(2.) If the office of Chancellor becomes vacant by reason of death, resignation or any other cause, the President shall forthwith order a new election for Chancellor to take place at the next stated meeting.

QUALIFICATIONS FOR OFFICE.

Sec. 2. All officers must be members of this Council in good standing. A President who has served a full or the balance of an unexpired term becomes by virtue of said service a Chancellor of this Legion, and on retiring from the office of President shall occupy the chair as the Sitting Chancellor, and a Comrade shall not be eligible for a third

consecutive term as President of this Council. No person other than a Roman Catholic clergyman in good standing in the diocese shall be eligible to the office of Chaplain.

BALLOTING FOR OFFICERS.

Sec. 3. All officers of this Council shall be chosen by ballot by a majority of the valid votes cast for candidates regularly nominated previous to the closing of nominations (except in case there is but one candidate nominated, then the President may declare the candidate elected by consent). In the event of no candidate receiving a majority of the ballots cast, the balloting shall continue till one of them obtains it; but the candidate receiving the least number of votes shall be withdrawn at each unsuccessful ballot, and no vote shall be regarded as a part of the poll unless it be for a candidate properly before the Council.

NOMINATING OFFICERS.

Sec. 4. The nomination and election of officers shall take place at the first stated meeting in December. The nominations shall be opened, first for President, closed, and the President elected; next the Vice-President, and so on in the same manner until all are nominated and elected.

MODE OF CONDUCTING ELECTIONS.

Sec. 5. When an election is held to fill an office or offices in this Council the presiding officer shall act as judge and appoint two members to act as tellers, who shall assist in conducting the election in a just and im-

partial manner; they shall keep a tally of all the votes polled, and should it appear that there have been more votes polled than there are legally qualified voters present, the presiding officer shall declare the ballot illegal and void and direct another ballot to be taken immediately; each member voting shall give his name and hand his ballot to the tellers, who shall deposit it in the poll.

INSTALLATION OF OFFICERS.

Sec. 6. The legally elected and duly qualified officers of this Council shall be installed, when possible, at the first stated meeting in the ensuing term, excepting the Chaplain-elect, who shall be exempt from installation and shall take office on the date of installation by a virtue of his acceptance of said office. In case a member who has been duly elected fails to be personally present for installation (unless prevented by sickness or some unavoidable occurrence), the office to which he has been elected may be declared vacant by the installing officer and another election may be ordered by him forthwith to fill the vacancy. No member shall be installed who is indebted to this Council, nor shall an officer who has been installed therein retain his seat when in arrears. But no officer may be installed whose Council is in arrears for per capita tax or has neglected to forward its semi-annual reports to the proper authorities.

REMOVALS AND VACANCIES.

Sec. 7. An officer may be removed for inattention to the duties of his office or con-

duct unbecoming his standing in the Legion by vote of the Council, and vacancies occurring by reason of death, resignation or otherwise shall be filled in the manner of the original selection; the officer elected to fill the unexpired term and serving until the end of the term shall be entitled to all its honors. An officer against whom charges are preferred shall have a fair and impartial trial in accordance with the laws, rules and regulations of the Legion, but he may officiate until the charges have been adjudicated, unless otherwise ordered by this Council.

ARTICLE V.

Duties of Officers.

PRESIDENT.

Section 1. The President shall preside at all meetings and enforce the laws, rules and usages of this Council and those of the Supreme and State Councils; decide all questions of order subject to appeal; act as judge of all elections and declare the result; appoint all committees, unless otherwise ordered by the Council; sign all orders on the Treasurer for all money ordered to be paid by this Council, but shall not be entitled to vote except at an election, balloting for candidates, and when the members are equally divided on other questions; shall declare in open Council such members suspended as are in arrears for assessments or indebted to this Council for more than three months' dues; call special meetings of this Council on the request of seven of its members in writing, stating the

object; and at the last stated meetings in June and December appoint an Auditing Committee consisting of three members in good standing whose duty it shall be to audit the books and examine the accounts of the Secretary, Collector, Treasurer and Trustees, and make a written report at the next stated meeting of this Council. He may appoint a committee of three Comrades to examine the books and accounts of any of its officers when in his judgment the welfare of the Council requires such action, which examination must be made forthwith and report handed in at the next stated meeting, and any officer who shall refuse to hand over his books and vouchers to the President or to the chairman of such committee when so requested, shall pay a fine of two dollars and may be expelled from the Legion; and perform such other duties devolving on the office as the laws, rules and usages of the Legion enjoin.

THE VICE-PRESIDENT.

Sec. 2. The Vice-President shall assist and aid the President, and in the absence of the President shall preside and perform such other duties as the laws, rules and usages of the Legion enjoin.

THE ORATOR.

Sec. 3. The Orator shall present or cause to be presented something of a moral and entertaining character at each meeting of this Council.

THE SECRETARY.

Sec. 4. The Secretary shall record the proceedings of this Council in the book kept for

that purpose; attest all orders drawn on the Treasurer; make out the semi-annual reports to the Supreme and State Councils, properly signed and attested under seal; conduct all its correspondence and have charge of its seal and records; notify all applicants elected to membership within five days thereafter, and within five days from a member's admission to membership to the Council he shall forward his application to the Supreme Secretary. Notify the Collector at once upon the receipt of notice of an assessment and read the same, with all other official communications, at the next meeting; he shall enter on the minutes all notices of suspensions after receipt of same from the Collector, giving the name with the number of Benefit Certificate; he shall notify the Supreme Secretary of the amount of each assessment, when and how forwarded, and the number of members liable for the same, and report these facts to the Council at its next meeting, and perform such other duties as the laws of the Legion and the ordinances of this Council enjoin; he shall execute a good and sufficient bond of at least \$300, with approved security, for the faithful discharge of his duties.

THE COLLECTOR.

Sec. 5. The collector shall keep a strict account between the Council and its members, receive all money due and pay that belonging into the General Fund to the Treasurer before the close of each meeting, taking a receipt therefor; notify the Supreme Secretary at once, also the secretary of this Council, of all suspensions, giving the name with the roll

book number. If suspension notices shall not be forwarded to the office of the Supreme Secretary before the close of the next assessment following that upon which any member has been suspended, the Council will be held liable to pay to the Supreme Council for the amount of the suspended Comrade's assessment. Also notify members when in arrears for three months' dues; when in arrears for more than three months' dues, notify the President of the fact and before the election of officers furnish the President with a list of members not entitled to vote; make out, semi-annually, report of the finances of this Council and per capita tax due the Supreme and State Councils; receive all money for the Benefit Fund, and keep account thereof in the book provided for the purpose, and within five days after the close of each assessment forward the amount due by the Council to the Supreme Treasurer in the manner provided for by Chapter I, Section 8, Laws of the Catholic Benevolent Legion, and at once notify in writing the Secretary of the Council of the amount forwarded, the date it was sent, and the method by which it was transmitted; have his accounts ready for settlement on the last day of June and December; receive from the Trustees their bonds when approved; and perform such other duties as the Laws of the Legion and of this Council enjoin. Before entering upon his duties he shall give the required bond for a sum not less than \$300, and in cases of Collectors of Councils whose membership exceeds one hundred, a bond for not less than \$500, for the faithful discharge of the same, with a fidelity and bonding com-

pany as surety at the expense of the Subordinate Council.

THE TREASURER.

Sec 6. The Treasurer shall receive from the Collector all money collected for this Council on account of the General Fund and give a receipt therefor, and when practicable deposit its funds in such depository as may be selected by the Council; pay all orders drawn by the President and attested by the Secretary; keep a regular and correct account of all the money received and paid; have his accounts ready for settlement on the last day of June and December, perform such other duties as the laws, rules and usages of the Legion require, and at the expiration of his term of office deliver to his successor all money, books, papers and vouchers. Before entering upon the discharge of his duties he shall give a bond with approved security for the faithful performance of his duty for such an amount as the Council may deem satisfactory, but not less than \$100, with a fidelity or bonding company as surety, at the expense of the Subordinate Council.

MARSHAL AND GUARDS.

Sec. 7. The Marshal and Guards shall perform such duties as the laws, rules and usages of the Legion require.

THE CHANCELLOR.

Sec. 8. The Chancellor shall act as attorney for this Council in case of trials ordered by it or other competent authority in the Legion, and perform such other duties as its laws, rules and usages enjoin.

THE TRUSTEES.

Sec. 9. The Trustees shall have the general supervision of all the property of this Council. They shall invest in such securities as this Council may direct such sums as it orders to be drawn from the treasury of the General Fund for that purpose. They shall have the custody of all securities of this Council for money loaned or invested; they shall collect or fund all such investments when so directed by this Council. They shall collect all interests, rents or other money arising from said investments belonging to this Council, and pay the money collected by them to the Collector. They shall at the last stated meetings in June and December report their transactions to this Council and submit an inventory of all its property; they shall require the Treasurer, Secretary and Collector to give bonds, with approved security, for the faithful performance of their duties. The Trustees shall before entering upon the duties of their office give bonds, with approved security, for such sum as this Council may require for the faithful performance of their functions.

RELIEF COMMITTEE.

Sec. 10. The President, Vice-President and Chancellor shall constitute the Relief Committee, of which the President shall be chairman. Their duties shall be to visit the sick or disabled members and report at each stated meeting, and in all cases of application for relief, whether from members or other comrades who are recommended by a member, they may suggest to this Council such pecuniary assistance as they believe is needed.

Each member of this Council shall be subject to the orders of the President in attending to its sick or disabled members, and should any member fail or neglect the duty assigned he shall be fined a sum not exceeding one dollar for such neglect or failure.

REPRESENTATIVE TO STATE COUNCIL.

Sec. II. The representative or representatives to the State Council shall receive the instructions of this Council and faithfully represent its interest. When a representative is elected who has not previously been admitted to membership in the State Council, in order to gain admission thereto, he shall be furnished with a Chancellor's, President's, Secretary's three-year or Collector's three-year certificate, together with that of representative. If it shall be ascertained by a Subordinate Council prior to the meeting of the State Council that the representative elect, or his alternate, shall for good and sufficient cause be unable to attend said meeting, the Subordinate Council may elect a representative pro tem., who shall thereupon be admitted as a delegate of the Council to the State Council, provided that he shall only serve in such capacity during the session of the State Council.

ARTICLE VI.

APPLICATION FOR MEMBERSHIP.

Section I. No person shall be admitted to membership in this Council who is not a member of the Roman Catholic Church, between the ages of 16 and 55 years. Each applicant

must be a man of sound health, personally acceptable and competent to earn a livelihood for himself and family. Applicants pursuing the following occupations shall not be admitted to membership, nor may members engage in such occupations without forfeiting their membership; said members, however, instead of forfeiting their membership, shall have the right to continue their membership by paying the following extra rates bi-weekly in the same manner and time as the present assessments are paid in accordance with the following table, and members may engage in the military or naval service of the United States during war:

Those contained in—

Sub-Secs. —Art. VI., Subord. Const.,

“	1	“	“	“	50%
“	2	“	“	“	30%
“	3	“	“	“	30%
“	4	“	“	“	35%
“	5	“	“	“	30%
“	6	“	“	“	30%

1st. Those engaged in blasting, submarine occupations, powder mills, fireworks or nitro-glycerine manufactories.

2nd. Balloonists, ordinary seamen, soldiers during war.

3rd. Men operating gang, circular and band saws, and their assistants, except in so far as the same refers to bone-sawyers, operating circular saws not more than nine inches in diameter.

4th. Men employed in putting up, repairing or caring for electric lights supplied by a cur-

rent of five hundred volts or more, telegraph or telephone wires or poles, or in charge of high tension dynamos of apparatus; electric linemen and repairers of electrical lines carrying five hundred volts or more.

5th. Beer wagon drivers, car couplers, carters, cartridge makers, dry grinders, furiers, percussion cap-makers, loggers, raftsmen, underground coal miners, workers in white lead factories, brakemen or trainmen on steam or electric railroads.

6th. Bridge builders and bridge painters, structural iron workers, glass workers, steel workers and stock yard employees.

Sec. 2. Each applicant for membership must sign the application furnished by the Supreme Council, giving place of birth, age, occupation, residence and such further information as may be required and must be recommended by two members of this Council in good standing; he shall enter upon his application the name or names of his relatives or dependents (stating the degree of relationship or dependence) to whom he desires his benefit paid, and if admitted the same shall be so entered in his Benefit Certificate by the Supreme Secretary; the application must be accompanied by a sum to be fixed by the Council as proposition fee (of which the Secretary shall keep an account to be reported at the regular meeting of his Council), and a sum of not less than \$2.50 for medical examination, fifty cents of which shall be sent to the Medical Examiner-in-Chief; the application shall be read in open Council at a regular meeting thereof and entered on the

record, and the money shall be paid to the Secretary. A Committee of three of this Council shall then be appointed to investigate the character of the candidate, and its report shall be filed with the Secretary as soon as possible. If the report of the Committee is favorable a ballot shall be taken by the Council. If not more than one black ball appears the applicant shall be declared eligible for membership (and acceptable to the Council), but if more than one black ball appears the applicant shall be declared rejected. If the applicant is declared eligible (and acceptable) he shall be notified by the Secretary to appear before the Medical Examiner. An applicant who is unable to write his name must be accompanied to the Medical Examiner by a member of the Investigating Committee who shall then sign the application as a witness to the mark of the applicant. If the applicant is recommended by the Medical Examiner after making an examination in accordance with the form prescribed by the Supreme Council, the application shall be referred to the Medical Examiner-in-Chief, who will promptly return the same to the Secretary if his approval, endorsed is unqualified, or to the Medical Examiner if qualified; but if the application is disapproved by the Medical Examiner-in-Chief he shall retain the application on file in his office and notify the Secretary of the Subordinate Council thereof. The report of the Medical Examiner shall be reported to the meeting of the Council held next after its receipt, if possible, and if favorable to the admission of the applicant the Secretary shall state to the meeting the date upon which the ballot was had on the eligi-

bility (and acceptability) of the applicant and shall endorse the date and result of said ballot on the application (and thereupon, unless objection is offered by any member of the Council, the applicant shall be declared elected by the presiding officer) and entitled to initiation, provided that thirty days have not elapsed since examination by the Medical Examiner. If objection shall be made a vote of the Council shall be taken, and if a majority of those voting is favorable the applicant shall be declared elected and entitled to initiation, provided, however, that thirty days have not elapsed since the examination by the Medical Examiner. If the report of the Medical Examiner is unfavorable to the applicant, or if the result of the vote shall be unfavorable, the President shall declare the applicant rejected and he shall not be eligible for membership in the Legion within six months from the date of said rejection. If the report of the Investigating Committee shall be unfavorable, the President shall declare the application rejected.

Sec. 3. If any applicant refuses or neglects, for reasons not satisfactory to this Council, to undergo an examination by the legal examiner designated within six weeks from the date his application was received by this Council, he shall be rejected.

Sec. 4. The fees accompanying the application shall be disposed of as follows: The proposition fee shall be paid to the Collector as soon as the applicant is elected. The fees for medical examination shall be paid to the Medical Examiner by the Secretary on a favorable report of the Investigating Com-

mittee. If the applicant be rejected before a medical examination all fees accompanying the application shall be returned. If the applicant be rejected by the Medical Examiner, the fee for the Medical Examiner-in-Chief shall be returned with the proposition fee. If the applicant be rejected by the Medical Examiner-in-Chief, the proposition fee shall be returned to the member by whom the applicant was proposed.

Sec. 5. The Secretary shall notify each applicant of his election within five days thereafter, and should an applicant fail to be present for admission within sixty days after being notified he must be re-examined in accordance with the form prescribed for persons on original application for membership, and if favorable, another ballot shall be had.

Sec. 6. Each applicant for admission shall pay one dollar to the General Fund for a Benefit Certificate, one assessment to the Benefit Fund, and dues for the current quarter.

Sec. 7. A member who shall have falsely answered questions in his medical examination with regard to health or habits, or who made any false statement in his application for membership with regard to age, habits or character, or in any way used deception to gain admission to the Legion, shall on conviction thereof be expelled and forfeit all benefits to which he or his beneficiaries might otherwise be entitled.

REGULATION FOR THE ADMISSION OF SOCIAL
MEMBERS IN SUBORDINATE COUNCILS.

First. Any male Roman Catholic at or above the age of sixteen may make application to any Subordinate Council for social membership and upon a favorable report by a committee of three, appointed by the President, may be elected to social membership at any meeting of said Council by ballot; and if not more than one black ball appears in said ballot he shall be declared elected, but if more than one black ball appears he shall be declared rejected, in which latter case he shall not be eligible for membership in any Council of the Legion for six months thereafter.

Second. Each applicant for social membership shall sign an application furnished for that purpose by the Supreme Council.

Third. Social members shall be subject to all laws, usages, regulations and penalties of the Legion except those which apply solely to insurance members in their relation to the Benefit Fund and Maintenance and Extension Fund.

Fourth. Before admission each applicant for social membership shall pay in the manner prescribed for insurance members an initiation fee to be fixed by the Council and one quarter's dues in advance, and shall thereafter pay the quarterly dues required by said Council of all other members. Upon admission a social member shall be initiated by use of the present Manual, omitting the parts having reference to insurance and the Benefit Fund.

Fifth. A social member shall be entitled to all the social benefits and advantages of the Legion had by the insurance members and shall have the right to vote on all matters pertaining to the General Fund and social functions of his Council, but shall have no vote or voice on any matters pertaining to the Benefit Fund or the Maintenance and Extension Fund.

Sixth. A social member shall not be eligible to membership in the Supreme or a State Council, nor eligible for the office of President, Vice-President, Secretary, Treasurer, Collector or Trustee of his Council, but shall be eligible to the other offices of his Council.

Seventh. A social member in good standing between the ages of sixteen and fifty-five may become an insurance member by signing an application on the form and in the manner prescribed for insurance members and upon a medical examination and an approval by the Medical Examiner-in-Chief, as provided for insurance members, and upon complying with all other laws, usages and regulations applicable to admission of insurance members including the payment of one dollar for a Benefit Certificate, except that he shall not be balloted for nor initiated. Upon being admitted to insurance membership he shall become entitled to the rights and benefits of an insurance member and subject to all the laws, usages, regulations and penalties relating thereto.

Sec. 8. The Secretary must keep a separate roll of the Social Members in numerical order.

ARTICLE VII.

DUES AND BENEFITS.

Section 1. Each member of the Legion shall pay to the Council as dues, to commence with the date of his admission, such sum as shall be prescribed by its By-Laws, which shall not be less than fifty cents per quarter (or fraction of a quarter), payable quarterly, in advance, on the last days of March, June, September and December, respectively.

Sec. 2. A member who may become in arrears for dues or fines to the Council shall not be entitled to vote, hold office, or to benefits; and if dues for a quarter are not paid on or before the last meeting of said quarter, the fact shall be announced by the Collector in open Council, and if the dues are not paid on or before the next meeting the President shall declare such member suspended.

Sec. 3. A member of the Legion who has been suspended for non-payment of dues or assessments, forfeits all rights and interest in the Benefit Fund and in the Legion during suspension. If he desires he may be reinstated within thirty days from the date of his suspension without medical examination by paying to the Collector of this Council the full amount of arrears accruing on or before the date of his suspension and all dues and assessments or other liabilities which would have been charged against him during the period of his suspension, by applying for said reinstatement to his Council. Said application shall be accompanied by a certificate from

the applicant certifying that at the time of making said application he was in good health. Upon the payment of said dues and assessments within thirty days and filing said certificate he shall be reinstated at the next meeting of his Council. A member suspended for a period of more than thirty days desiring to be reinstated at the same rate of assessment paid prior to the date of suspension must within forty days from the date of his suspension apply to the Secretary of his Council for the form of Application for Reinstatement which he is entitled to receive upon payment of all dues, fines and assessments for which he may be in arrears, and he shall then go before the Medical Examiner of his Council before the expiration of forty days from the date of his suspension, and the Medical Examiner shall pursue the same course as is provided in the application of a new member, and forward the application, with his report thereon, to the Medical Examiner-in-Chief immediately after completion, and if found satisfactory, the Medical Examiner-in-Chief shall so indorse it and immediately forward it to the Secretary of the Subordinate Council, who shall present it at the first meeting of his Council thereafter, if possible, and if the suspended member has paid all his assessments falling due subsequent to his suspension in the same manner as members in good standing, a ballot may be had, and if a majority is favorable he shall thereupon be declared reinstated, otherwise rejected. If a suspended member makes application for reinstatement after forty days from the date of his suspension provided he has not reached the age of ineligibility before he presents

himself to a Medical Examiner of this Council, he must, in addition to the foregoing requirements pay his future assessments according to the age attained at the time of his appearance before the Medical Examiner, but will not be required to pay dues and assessments falling due and payable during the time of his suspension, nor the assessment upon which he was suspended, but shall not participate in nor benefit by nor have any rights in any Reserve arising, accruing or accumulated during the time of his suspension. A suspended member at large may be reinstated by the Supreme Secretary subject to all the conditions in the foregoing section applicable to reinstatement of members in Subordinate Councils, except that the Supreme Secretary shall designate, when required, the Medical Examiner to make examination of the applicant for reinstatement.

Sec. 4. A member in good standing for not less than six months, and not in arrears for dues or fines, who may be prevented by sickness or other disability from following his usual business or some other occupation, shall be entitled to receive from the General Fund of this Council not less than fifty cents per week for thirteen consecutive weeks, or such additional weekly benefits as this Council may in its By-Laws prescribe; provided said sickness or disability has not originated from intemperance, vicious or immoral conduct. A member who may be taken sick or become disabled when in arrears to this Council for dues or fines cannot, by paying the same, become beneficial nor receive benefits during said sickness or disability; nor can a member

who is beneficial and receiving benefits become in arrears for dues so as to debar him from benefit, the President being authorized to pay the Collector from the amount drawn for his weekly benefit, or, if that sum is not sufficient, from the General Fund, a sum sufficient to prevent him becoming in arrears; nor shall a member be entitled to sick benefits while under charges under the penal provisions of the laws, but if after due trial he shall have been acquitted or exonerated he shall be entitled to receive weekly benefits if otherwise entitled thereto.

ARTICLE VIII.

WITHDRAWAL CARDS.

Section 1. A member in good standing wishing to withdraw from this Council shall apply for a withdrawal card, and on the payment of all dues, assessments or fines lawfully charged against him, including one dollar for the card, a vote shall be taken, and if a majority of the votes be in favor, it shall be granted. Should the majority of those voting refuse to grant the card, the objection shall be stated in writing, and the applicant shall be entitled to a trial in the same manner and form as upon preferred charges.

Sec. 2. This Council shall fix the time for which a card shall be good, provided it shall not exceed six months, and during such time, or until it is deposited in another Council, this Council shall retain his name on its books, provided he shall keep his dues and assessments paid up as though he had not re-

ceived his withdrawal card. He shall be privileged to return said card at any time within the period for which it was granted. If at the end of this time he has not returned his card or deposited it in some other Council, he shall be deemed to have surrendered it to this Council and resumed his membership herein.

Sec. 3. A member of the Legion wishing to become a member of this Council shall make written application to it and present his withdrawal card from the Council of which he was last a member, and if this Council is satisfied of the correctness of the card, the application shall be referred to a committee of three members, whose duty shall be to inquire and report to this Council as to the character and fitness of the applicant for membership, and whether all liabilities against him in his former Council have been paid up to date of application to this Council. If the report be favorable the applicant shall be balloted for, and if only two black balls appear, he shall be declared elected to membership; if more than two black balls appear he shall be declared rejected. When admitted to membership he shall pay a fee of not less than two dollars. The Secretary shall notify the Council which issued the withdrawal card, also the Supreme and State Secretary, that he has been duly admitted to membership in this Council, and immediately file said withdrawal card with the Supreme Secretary.

Sec. 4. A member who has joined this Council by card shall pay to the Council from which he has withdrawn all assessments due previous to the date of his admission to this

Council, and if he fail or neglect to pay such assessments to the Collector of said Council, it shall be the duty of the said Council to notify this Council of such default, and thereupon the President of this Council shall at once declare such member suspended for non-payment of assessment.

Sec. 5. A member of this Council wishing to withdraw permanently from the Legion shall pay all fines, dues and assessments charged against him, release all claims to his Benefit Certificate and surrender the same in writing at a regular meeting of this Council, together with a fee of fifty cents; said release, Benefit Certificate and fee shall be immediately forwarded to the Supreme Secretary, who, upon receipt of the same, shall issue a final withdrawal card, which card shall be signed by the Supreme President and attested by the Supreme Secretary. A member taking such card can be reinstated only as a new member.

ARTICLE IX.

REPORTS AND DUES TO THE SUPREME AND STATE COUNCILS.

Section 1. At the close of each term this Council shall report to the Supreme and State Council the number, name, age and number of Benefit Certificate of each member admitted, reinstated, received by card, suspended, withdrawn by card, deceased and rejected, total number of members, total amount of gross receipts for General and Benefit Funds, total amount of one assessment, the number of members relieved, the amount disbursed by

this Council for relief and general expenses, the total amount of cash on hand and invested, a list of all Chancellors in good standing, and the amount of per capita due the Supreme Council or State Councils, and the result of the election of officers, according to the form furnished by the Supreme Council, which report shall be attested by the President and Secretary for said term, with the seal of this Council attached, and exhibit to the installing officers vouchers for the per capita tax before the installation of officers.

ARTICLE X.

IMPROPER CONDUCT OF MEMBERS.

Section 1. A member who shall divulge to an applicant for membership the name of a member who reported unfavorably upon his application or in any other way opposed said applicant becoming a member of this Council, shall, upon conviction thereof, for the first offense be fined a sum not exceeding five dollars, and for the second be suspended.

Sec. 2. A member who shall be guilty of any immoral practice or improper conduct violative of his duties and unbecoming a member of the Legion, shall, upon conviction thereof, be suspended or expelled as this Council may determine.

Sec. 3. A member who shall enter this Council in a state of intoxication shall be suspended or expelled as this Council may determine.

Sec. 4. A member making use of any im-

proper means to obtain benefits, shall, upon conviction thereof, be suspended or expelled as this Council may determine.

Sec. 5. Should a member appropriate any of the funds of this Council to his own use contrary to this Constitution and Laws, he shall, upon conviction thereof, be expelled.

ARTICLE XI.

TRIALS AND PUNISHMENTS.

Section 1. If a member shall violate any of the provisions of the first, second or fifth sections of the preceding Article, or any laws or usages of the Legion, it shall be the duty of any member who may come to the knowledge of the same to immediately give a written notice to the President of this Council of such violation or transgression, and the President shall forthwith refer a copy of such communication (concealing the name of the informant) to a special committee of three; said committee shall proceed without delay to investigate the matters therein stated, and if in their opinion there are just grounds therefor they shall as early as practicable prefer a charge or charges against the accused, specifying in the charge or charges the particular matter of offense, and at the trial they shall assist the Chancellor to conduct the prosecution; provided that when a committee shall have obtained evidence which in their opinion will justify the presentation of a charge or charges, they shall, before presenting the same, notify the accused of their finding and give him an opportunity to present

rebutting evidence, and on the whole hearing they shall make their report.

Sec. 2. When a charge or charges are preferred against a member the same shall be read in open Council; the Secretary shall immediately furnish a copy thereof under the seal of this Council to the accused, with notice to appear at the second stated meeting thereafter to answer thereto; and if residing in a distant town or place the notice must be sent by registered mail to his last known residence with a notice to appear personally to answer within a reasonable period to be determined by this Council, allowing time to receive the notice and comply therewith. At said meeting a trial shall be had unless then postponed to a certain time. A member may prefer charges in open Council, provided the accused is present, and if the accused and this Council are ready the investigation and trial may at once proceed.

Sec. 3. The Secretary upon being furnished a list of the witnesses on both sides shall immediately notify them to appear at the time appointed for trial to give their testimony; provided that if any of the witnesses are not members of the Legion the President shall appoint a Chancellor whose duty it shall be to take the testimony of such witnesses and return the same in writing to the President in time for the trial; the accused member being notified of the time and place of taking such testimony.

Sec. 4. The Council at said stated meetings, or at such other time as may be fixed, shall proceed with the investigation of the

case, and after a full hearing of all the testimony the accused shall retire, when the Council shall proceed to vote on the charge or charges preferred. If the charge or charges be sustained in whole or in part by a vote of two-thirds of the members present, the Secretary shall read in open Council the charge or charges, or the part or parts thereof that have been sustained; thereupon the President shall, without motion, proceed to put the question on the highest order of punishment provided for such violation in the preceding Article, and if lost shall put it on the next highest, and shall so proceed until some order of punishment provided for in the preceding Article is agreed upon by a vote of two-thirds of the members present. Members present who are excused from voting, or who refuse to vote, must be counted in the negative.

Sec. 5. This Council having found a member guilty must affix some punishment recognized in the preceding Article, and to this end should the vote be taken on all the forms of punishment without the requisite vote in favor of either, the President shall commence again with the highest order of punishment, and, if need be, go through them again, and shall so continue until some order of punishment be determined upon.

Sec. 6. Whenever this Council may determine upon suspension, a motion may be made to fix the time, and two amendments may be offered thereto, which shall be decided without debate. The President, upon receiving such motions, shall put them to vote, commencing with the highest period named. If neither be agreed upon a second motion may

be made, with two amendments permitted thereto, which shall be put to vote in a like manner, and the President shall so proceed until some period of time for suspension is determined upon.

Sec. 7. If this Council decide to punish by fine, the same course shall be adopted in determining the amount thereof as is above provided in fixing time of suspension; and in either case of determining the amount of fine, or fixing the time of suspension, a majority of members present shall decide.

Sec. 8. When this Council has determined on the order of punishment the accused member shall be called in and the decision communicated to him by the President.

Sec. 9. A member in good standing may make a complaint to the President of this Council against a member of another Council; the President shall forward a certified copy of the same, attested by the Secretary, under the seal of this Council, to the President of the Council of which the accused is a member, which, when received by said President, shall be referred to a committee in a like manner as if presented by a member of the Council to which the member belongs.

Sec. 10. If an accused member shall evade receiving notice, or, after having received it, shall neglect or refuse to attend at the time therein fixed, and if absent throughout trial, and is not represented by a member of the Legion as attorney, this Council may proceed to expel him for contempt; provided, that if such absence shall have been caused by unavoidable circumstances the accused shall be

entitled to a rehearing, and at all stages of the proceedings shall have every opportunity for vindication.

Sec. 11. If a member shall offend against any of the provisions of the third and fourth sections of the preceding article, the President, however cognizant of the same, shall bring the matter before this Council, and it shall be immediately referred to a committee and proceedings be had as hereinbefore provided.

Sec. 12. Upon the trial of a member an *ex parte* statement cannot be introduced as testimony, but all evidence tending to a fair investigation of the case may be admitted.

Sec. 13. Each specification of a charge properly submitted to this Council must be judicially investigated, and every specification that implies a direct offense against the laws of the Legion must be determined by ballot. Should a charge or charges, or parts thereof, be sustained, or a plea of guilty entered, this Council must fix the measure of the punishment therefor.

Sec. 14. If a member acknowledges guilt the penalty may be imposed without trial. This Council should hear testimony upon a plea of guilty so as to determine the extent of the offense on the one hand, and to ascertain the mitigating circumstances on the other.

Sec. 15. Nothing in the laws and usages of the Legion may prevent a member from being charged more than once with the same offense, provided a trial has not been had, but

when a trial has taken place another charge for the same offense cannot be entertained.

Sec. 16. All votes taken under the provisions of this Article shall be with ball ballots.

Sec. 17. A complaint cannot be dismissed after a committee has been appointed to investigate it and the Secretary has been ordered to summon witnesses and to notify the offending member to appear for trial.

Sec. 18. A member who has been indefinitely suspended by this Council for any other reason than the non-payment of dues, fines, or assessments, shall not be restored to membership in this or any other Council without the permission of the Supreme or State Council, or the Supreme or State President during a recess of the Council having jurisdiction.

ARTICLE XII.

FALSE CHARGES.

Section 1. A member of this Council who shall wilfully prefer any accusation against a comrade which shall prove to be unfounded, false and malicious, may be suspended or expelled.

Sec. 2. If an accusation shall be proven false and malicious the President shall name the informant to this Council on a demand of a majority of the members present, that he may be dealt with according to the provisions of this Article.

ARTICLE XIII.

BY-LAWS AND ALTERATIONS THEREOF.

Section 1. By-Laws in conformity with this Constitution may be made, altered or amended, when two members of this Council submit a written proposition thereof and have it read at two stated meetings previous to being acted on, when two-thirds of the lawful votes cast concurring it shall be adopted; provided a By-Law or alteration thereof does not contravene or conflict with the Laws or Constitution of the Supreme or State Councils, or the Constitution of this Council, or the principles of the Legion, and provided, also, that they be submitted to and approved by the Committee on Laws of the Supreme or State Councils, and after the date of their approval shall be in full force and effect.

PRICE LIST OF SUPPLIES

Furnished by the

SUPREME COUNCIL

Through the Supreme Secretary.

Applications for Membership, per 100....	\$1.00
Applications for Increase of Grade, each.	.02
Applications for Reinstatement, each....	.02
Ballot Boxes.....	1.50
Benefit Account Books.....	\$2.00 and 3.00
Blank Bonds, half dozen.....	.06
Black Book.....	1.00
Benefit Fund Checks.....	
Blue Seals, per box.....	.20
Bulletins per 100.....	.50
Black Balls, per dozen.....	.25
Constitutions and Laws, each.....	.05
Collector's Cash Book.....	\$1.50 and 2.00
Collector's Ledger.....	.60, .75 and 1.50
Collector's receipts to new members, one pad50
Copy of Annual Proceedings.....	.25

Concord Ritual, each.....	.25
Final Withdrawal Cards, each.....	.50
Gavels, each.....	.50
Investigating Committee Notices, per 100.	.60
Ledgers75, 1.50
Manuals, each.....	.75
Member-at-Large Cards, each.....	1.00
Notices of Petition, per 100.....	.60
Notices of Rejection of Candidate, per 100	.60
Notices of Election, per 100.....	.60
Notices of Arrears for Dues, per 100....	.60
Notices of Suspension, per 100.....	.50
Ode Cards, per 100.....	1.20
Order Book on Treasurer.....	.75
Quarterly Due Blanks, per 100.....	.35
Record Books, each.....	.60
Remittance Statements, pad.....	.50
Secretary's Roll Book.....	1.50
Semi-Annual Reports, per set.....	.05
Treasurer's Account Book.....	.60
Treasurer's Receipt Book.....	.60
Withdrawal Cards, each.....	.25
Withdrawal Cards (final), each.....	.50
White Balls, per dozen.....	.25

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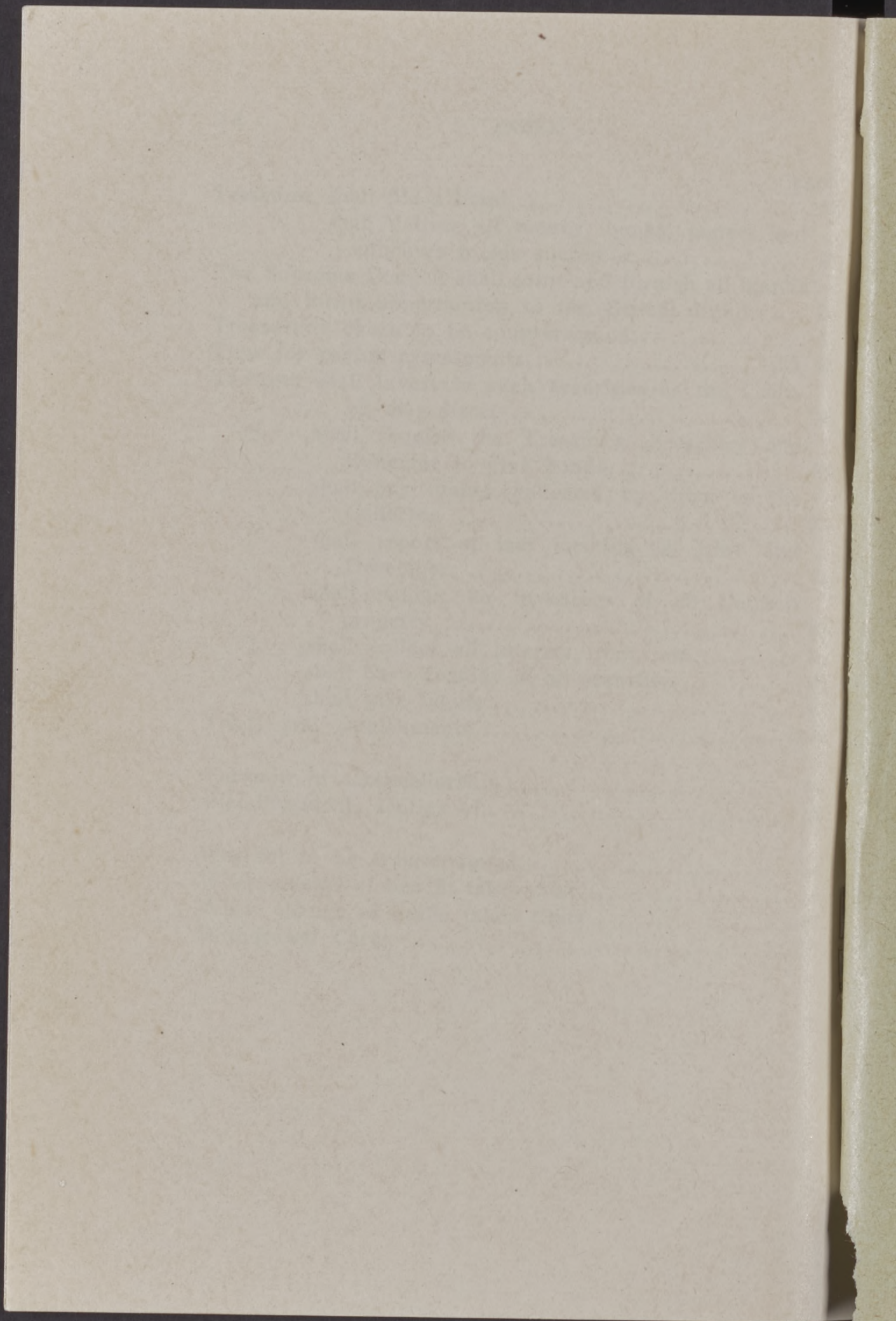
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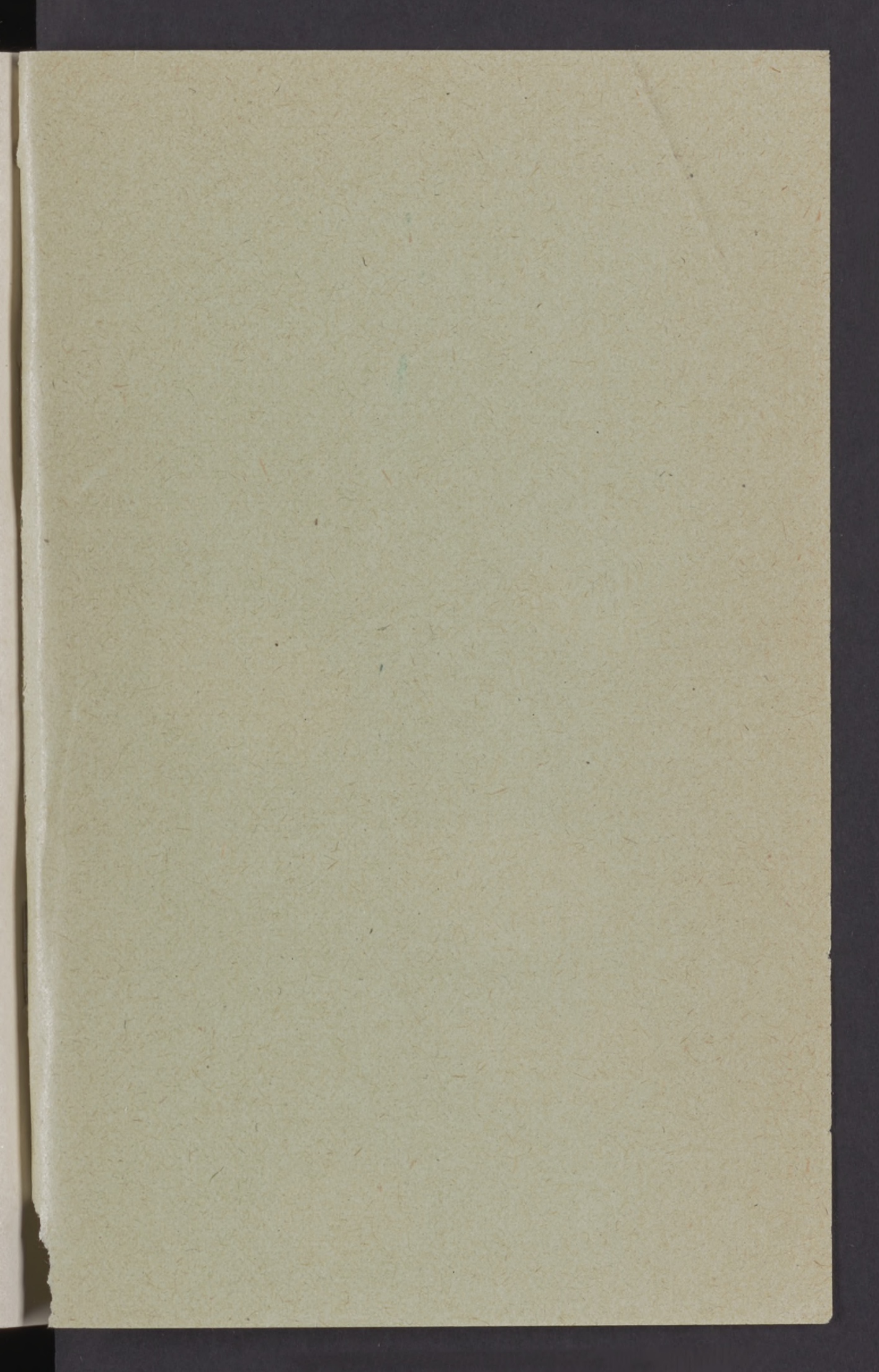
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OF
THE SUPREME COUNCIL
Catholic Benevolent Legion

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Vice-President, JAMES A. BUTLER
Chancellor, JOHN C. McGUIRE
Orator, JOHN F. O'BRIEN
Secretary, JOHN E. DUNN
Treasurer, WM. T. REYNOLDS
Marshal, CHAS. B. BURKERT
Guard, JAMES R. De CAMP
Medical Examiner-in-Chief
GEORGE R. KUHN, M.D.

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Committees

ON SUPPLIES

THE PRESIDENT, SECRETARY and TREASURER

ON FINANCE

P. J. HUGHES W. G. ROSS J. A. ROWE

ON STATE OF THE LEGION

THE VICE-PRESIDENT, CHANCELLOR
AND ORATOR

PRESS OF PAKENHAM & DOWLING, 10 BARCLAY STREET, NEW YORK



