

entitled to possession thereof; and for \$2,000 damages for the alleged wrongful and illegal taking and retaining possession.

W. T. J. Lee, for the plaintiffs.

J. H. Clary, for the defendant.

BOYD, C.:—As preliminary these dates and facts may be set down in order:—

February, 1903. Copper Cliff Young People's Society formed and organised as a voluntary unincorporated association of persons, having for its chief object the promotion of temperance.

Lease of land for erection of a hall made on the 29th September, 1903, by the Canadian Copper Cliff Company to Herman Vick, as trustee of the Finland Temperance Hall, for a year, at a nominal rent, and the term to continue until the company should elect to discontinue the lease.

Up to 1910, hall and buildings erected at cost of about \$3,000.

May 17, 1911. Local branch No. 31 of the Socialist Party of Canada was initiated and charter issued to members, some of whom belonged to the Young People's Society.

January 7, 1912. Annual meeting of Young People's Society carried, by vote of 74 to 24, a resolution to affiliate with the Socialist Party of Canada; and thereupon a charter was issued by the Socialists enrolling the society as "Local Young People's Society No. 31: Social Democratic Party of Canada" (this is dated the 1st January, 1912).

February 6, 1912. Action by Vick against this Socialist movement and to restrain alienation of the property of the Young People's Society to the new local branch No. 31.

June 26, 1913. Judgment of Kehoe, County Court Judge, dismissing the action of Vick, reversed by the Court of Appeal, and declaration that the action complained of was ultra vires and illegal.

September-October, 1913. No. 31 charter surrendered, and another issued excluding Young People's Society.

December 25, 1913. Resumption of possession of the hall by Vick—his party having been excluded since January, 1912, by the Socialists.

January 2, 1914. Confirmatory lease by the company to the said Vick as trustee, etc.

The present action was commenced on the 10th January, 1914.