

But the word "surviving" cannot be rejected at the instance of the shorter and more frequently misused word "or." I have no reasonable doubt that unless one of the devisees, having issue, survives the other devisee, who has died without issue, each holds an undivided moiety under the first clause in the will; so that, the one having conveyed to the other, and the other being the vendor, can, notwithstanding anything contained in the will, convey to the purchaser a good title to the land in question: See *In re Bowman*, 41 Ch. D. 525.

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SUPREME COURT OF ONTARIO.

1ST APPELLATE DIVISION.

JUNE 26TH, 1913.

VICK v. TOIVONEN.

4 O. W. N. 1542.

*Voluntary Society—Purposes of—Right to Divert Funds to other Purposes—Ultra Vires Resolution—Injunction—Appeal.*

SUP. CT. ONT. (1st App. Div.) *held*, that assets of a voluntary society contributed for certain purposes cannot be diverted by a majority vote to purposes quite distinct and different and that therefore where a society was organized and conducted for some time as a Finnish temperance society having for one of its objects the encouragement of free speech, the society had no right to become a purely Socialistic organization from which anyone speaking in antagonism to Socialism was either expelled or debarred and to divert the assets to these new purposes.

Judgment of Dist. J., Sudbury, reversed and appeal allowed with costs.

Appeal by plaintiff from the judgment of the Judge of the District Court of Sudbury dismissing the action which he had brought on behalf of himself and the other members of the Copper Cliff Young People's Society to restrain the society from joining the Socialistic party of Canada, and from diverting the assets of the said society to the purposes of the said party.

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE HODGINS.

R. McKay, K.C., for the plaintiff, appellant.

W. T. J. Lee, for the defendants, respondents.