

Even if jurisdiction existed, I should as a matter of discretion refuse an injunction. That, as said by Cozens-Hardy, J., is a formidable legal weapon which ought to be reserved for less trivial occasions: *Llandudno Urban District Council v. Woods*, [1899] 2 Ch. 705, 710; see also as to a football match, *Radford v. Campbell*, 6 Times L. R. 488.

It must appear, to give jurisdiction to interfere by way of injunction to restrain the expulsion of a member of a society or club, that the plaintiff as member has some right of property for the protection of which the Court will interfere by this method of relief. If it be no more than this, that paying a subscription entitles one to the use and enjoyment of the rooms and property and effects of the society, without any right to participation in its assets if distribution ensued, then the right is only a personal one, and, if the expulsion is wrongful or injurious, the person injured has his remedy in seeking damages; this is the highest measure of relief which the Court will give in the absence of a right of property: *Baird v. Wells*, 44 Ch. D. 661.

In cases of voluntary societies the Court has jurisdiction, because all the property, in the event of dissolution, will go ratably among the members, and each one has a pecuniary interest in being a member and to resist being improperly expelled: *Brown v. Dale*, 9 Ch. D. 78; *Rigby v. Connol*, 14 Ch. D. 482, at p. 487, per Jessel, M. R. . . .

Appeal allowed with costs and action dismissed with costs.

APRIL 2ND, 1906.

DIVISIONAL COURT.

RE VILLAGE OF BEAMSVILLE AND FIELD-MARSHALL.

Arbitration and Award—Appeal from Award—Absence of Provision for, in Submission—Application of Provision of Municipal Act giving Right of Appeal—Submission Including Matters outside of Municipal Act—Breach of Contract—Trespass—Validity of Submission.

Appeal by the village corporation from order of TEETZEL, J., ante 276, quashing their appeal from an award.

G. Lynch-Staunton, K.C., for appellants.

E. D. Armour, K.C., for Agnes Field-Marshall, the respondent.