

turned into a motion for judgment, in favour of plaintiff, restraining defendants from taking any action depriving plaintiff of his rights as a member of the association.

W. E. Middleton, for defendants.

C. E. Hewson, K.C., for plaintiff.

The judgment of the Court (BOYD, C., MAGEE, J., MABEE, J.), was delivered by

BOYD, C.:—The whole cause of action alleged by plaintiff is, that defendants, or the body they represent, are about to expel or suspend him as a playing member of the Ontario Hockey Association. He holds a playing certificate for one year, which expired pending this action, and his anxiety was to be allowed to play hockey in one match with the Barrie club on 9th February last. An *ex parte* injunction was granted on 7th February by Judge Ardagh, which was ultimately made absolute as on a motion for judgment on 21st February. The game in view either did not go on, or went on without plaintiff. So that we have here the beginning and end of the grievance—asking the interference of the Court that plaintiff might play in one game of hockey.

Plaintiff has lost nothing nor will he lose anything in the nature of property by his suspension or expulsion. It does not appear that he has paid any fee for admission, nor would it matter if he had, for that would be answered by his having access to the rooms and grounds of the association—if there be any, for as to that also we are in the dark. According to the rules, the only result which follows the expulsion of a player is that he shall be barred from playing with or against any club in the Ontario Hockey Association till reinstated (regulation 7, p. 17). Even if he is to be permanently barred from play, that . . . is certainly no deprivation of any property right.

In brief, there is no allegation and no proof of any property, real or personal, of the association; nothing of value in this sense from which plaintiff has been excluded—nothing which by any possibility could come to him if the association were to be dissolved or wound up. Jurisdiction then, according to binding authorities, is fundamentally lacking in this case, so far as an injunction is concerned—and that is the only relief given or claimed.

This point on which we proceed was not raised or suggested before the Chief Justice—otherwise we should not have been troubled with an appeal.