

This action of the majority was declared by the judgment in appeal *ultra vires* and in violation of the original constitution of the Young People's Society—the emphatic note in which was “Temperance.”

After this date—7th January, 1912, the socialistic section practically ousted the original (temperance) section from the hall and associate property, and such was the physical situation till Christmas Day, 1913, when the manager of the hall gave up the key to the defendant and he took possession as trustee of the Temperance Hall and for the use of the faithful members of the Young People's Society.

In the County Court action brought by Vick to restrain the socialistic movement, judgment was against him in the Court below, but this was reversed on appeal and the ultimate decision, by judgment dated 26th June, 1913, was brought to the attention of those in possession by the defendant Vick towards the end of September, 1913. They then sought to neutralize or obliterate what had been done by procuring a repeal of the charter by which the Young People's Society had been enrolled as No. 31 of the Social-Democratic Party. The date of this was about the 1st October, 1913. The fact of this withdrawal or cancellation of the socialist charter was not made known to Vick or those who adhered to the original constitution and practically there was no change in the conduct of the meetings thereafter. The young people's element was slighted and minimized while questions of socialism were the controlling factor. To outward appearance the Young People's Society in the hall up to Christmas, 1913, was still Local No. 31 of the Democratic party. Thus we find ticket 803 (one of a series) giving on payment of 25 cents right of admission on December 15th, 1913, to a sale in aid of Copper Cliff's Young People's Society, Local No. 31.

The membership books have disappeared as to both lines of the opposing claimants, which for the sake of distinction may be concisely called the temperance as opposed to the socialistic, but it may be taken that the utmost number of the latter was 74, as disclosed in the vote of 1912; now that number has diminished to about 50. The aggregate of those who support the action of Vick is 70; so that counting heads and treating all as members of the original society, the clear majority is in favour of those now in possession. That ground is of itself sufficient to indicate that it is not the duty of the