

with the Harbour Commissioners, the entry of such pilots into the association to be established by authentic act ; that under this provision the other four plaintiffs declared their adhesion to the association by authentic act : that on the 24th August 1898 the défendant by *acte* before Amédée Bouchard, Notary, declared that he had taken communication of the deed of association and consented to become a member thereof, and agreed to submit to all the stipulations and conditions contained therein ; that one of these stipulations and conditions was that wherever any member of the association should receive sums of money for services as pilot he should, within twenty four hours, pay over the same into the common treasury for division : that it was also one of the conditions of the said deed of association, that any member of the association who should cease to belong to it by reason of failure to confirm himself to the clauses of the deed would be liable to a fine *à titre de dédit* of \$1000 payable to the members of the said association to be divided in the same manner as pilotage fees ; that since the commencement of the season of navigation 1899 the defendant had completely failed to comply with the conditions of the *acte* of association and had neglected and refused to pay into the treasury the sums received by him for pilotage, declaring that he discontinued his membership in the association (as in fact he has discontinued such membership), and that in consequence he had become liable to the fine of \$1000.00 stipulated in the *acte* of association for division equally among plaintiff and plaintiffs pray judgment accordingly ;

“ Seeing defendant inscribes in law against plaintiff demand for the following reasons in substance :

“ 1. Because the action is brought in the name of the plaintiffs personally, whereas it ought to have been brought in the name of and for the benefit of the association ;

“ 2. Because it is not alleged that the defendant had ever made a demand in writing to become a member of the association or offered proof that he was *en règle* with the Harbour Commissioners, in accordance with the provisions of the deed of association ;

“ 3. Because it is not alleged that the association had ever accepted the defendant as a member ;

“ 4. Because no facts are alleged sufficient to show that the four plaintiffs who declared their adhesion after the original *acte* ever become members of the association ;

“ 5. Because the plaintiffs do not allege that they have complied