

HON. SIR JOHN BOYD, C.

JUNE 20TH, 1914.

WIRTA v. VICK.

6 O. W. N. 599.

*Unincorporated Society—Property of Society—Dissident Members—
Ultra Vires Action of Majority—Breaking-up of Society into
Factions—True Line of Succession—Counterclaim—Damages.*

BOYD, C. gave judgment for defendant as trustee of the Copper Cliff Young People's Society, declaring him entitled to money in the bank and to the ownership and possession of the society's hall, as against the plaintiff, who represented an opposing faction in the society.

Action by officers of Copper Cliff Young People's Society for a judgment declaring them entitled to \$1,313.80 in a bank at Copper Cliff; declaring them owners of Finland Hall and entitled to possession thereof; and for \$2,000 damages for the alleged wrongful and illegal taking and retaining possession.

W. T. J. Lee, for the plaintiffs.

J. H. Clary, for the defendants.

HON. SIR JOHN BOYD, C.:—As preliminary these dates and facts may be set down in order.

February, 1903. Copper Cliff Young People's Society, formed and organised as a voluntary unincorporated association of persons having for its chief object the promotion of temperance.

Lease of land for erection of a hall made 29th September, 1903, by the Canadian Copper Cliff Company to Herman Vick as trustee of the Finland Temperance Hall for a year at a nominal rent and the term to continue until the company should elect to discontinue the lease.

Up to 1910, hall and buildings erected at about cost of \$3,000.

May 17th, 1911. Local Branch No. 31 of the Socialist Party of Canada was initiated and charter issued to members, some of whom belonged to the Young People's Society.

January 7th, 1912. Annual meeting of Young People's Society carried by vote of 79 to 24 a resolution to affiliate with the Socialist Party of Canada and thereupon a charter