

sary for the disposal of this case to pass definitely upon this question, for, I think, on other grounds, as now stated and as also stated viva voce at the close of the argument, that the locus standi of the plaintiffs does not call for the interference of the Court.

It is alleged by the plaintiffs that the defendant, by fraudulent means, obtained possession of the keys at Christmas, 1913. This has not been proved—so far as appears, the keys were yielded by the then holder as manager of the hall in obedience to the demand based upon the judgment of the Court of Appeal. A copy of the judgment was nailed up in the hall contemporaneously, as the justification of the act. Though the judgment does not in terms pass upon this, it may be inferred that this result is to be reasonably deduced therefrom. At all events, the plaintiffs had no right to exclude the party of the defendant, as they did, unless they would submit to Socialistic control.

In the line of true succession, Vick has been elected president and treasurer of the society, and he is also the fiduciary tenant under the lease; why should he be dispossessed by dissidents from the principles of the Young People's Society?

For the same reason, the money held in medio and now paid into Court should be paid to him in preference to the claim of the plaintiffs to control it; he giving the security required by the rules.

The plaintiffs have no claim for damages for loss of exclusive possession as against the defendant. The counterclaim for damages made by the defendant against the plaintiffs cannot be maintained on the present record—nor do I encourage such claim to be made, though I do not foreclose that claim, as the suit is now constituted. The Socialistic party were at first in possession, under the authority of the County Court Judge, till his judgment was reversed; and during that time I do not know, nor has it been proved, who were then the ostensible legal possessors and occupiers of the hall. The body of officers is changed every six months; those on the record were the ones elected in December, 1913—the month in which the defendants obtained possession. Who were the officers in the interval is not in evidence, and I do not know that they are the parties before me. My dismissal of the case with costs will be without prejudice to this claim for damages, if further litigation is sought.

I stated my general view of the situation at the trial; I adopt what I then said and make it part of my definitive judgment.