

Longley, J.]

[April 26.]

SUTHERLAND v. GRAND COUNCIL OF PROVINCIAL WORKMEN'S
ASSOCIATION.

*Benevolent association— Election of officers— Right to vote—
Credential as voter— Right to sue after ceasing to be a
member of association.*

Plaintiffs, who claimed to be members in good standing of the Provincial Workmen's Association, brought an action claiming a declaration that the meeting of the Grand Council of the Association held in September, 1908, at which the officers of the council were elected, was illegal, and that all the business transacted thereat was void, on the grounds that the officers who had not been elected delegates voted, that a minor office was filled by a person appointed temporarily for the purpose, and that delegates appointed by several lodges of the association were not permitted to sit or take part in the proceedings.

Held, 1. In view of the provision of the constitution that the council should consist of certain officers named, "and" regularly appointed delegate, the officers present in the discharge of their duties had the right to vote and to take part in the proceedings in every proper way.

2. The act of the person objected to sitting as a member of the council was presumptive evidence of his right to do so.

3. The question of the right of delegates to sit having been referred to the committee on credentials and reported upon, and the report having been adopted, this was a matter of procedure with which the court would not interfere.

4. With respect to one of the lodges which was held incompetent to appoint delegates by reason of the non-payment of certain dues, the matter was not affected by the fact that an officer of the council had written a letter intimating that, in spite of the failure to pay dues, if the lodge sent one or two delegates, the question might not be raised.

Semble, that plaintiffs having ceased to be members of the association could not maintain the action.

Robertson, Harrington and Cameron, for plaintiffs. *D. A. Cameron and Carroll*, for defendants.