

Oct. 10th, 1904, the City Council passed by-law 4428 amending by-law 4420 by reciting the consent of the Dominion Government. A motion to quash the by-law was launched, and notice served Oct. 1st, 1904, before the passing of the amending by-law.

Held, that when by-law 4420 was passed, the powers of the city council were spent, and as it was a void by-law by reason of the consent of the Dominion Government not having been obtained, it could not be given life and rendered valid by the subsequent consent of the Dominion Government and the passing of the amending by-law, and must be declared invalid.

H. S. Oster, K.C., for the motion. *Watson*, K.C., and *Fullerton*, K.C., contra.

Trial—MacMahon, J.] *PINKE v. BARNHOLD* [Oct. 22.
Church membership—Expulsion of member—Domestic tribunal—Injunction—Civil Courts.

The plaintiff sought an injunction restraining the trustees of St. Peter's Church in Berlin proceeding with a resolution, passed by them, expelling him as a member of the church on the ground of certain actions of his, not necessary to mention here. No notification was given calling upon the plaintiff to attend the meeting at which the resolution was passed, nor was he made aware in any way of the intention of the trustees to expel him. The plaintiff's civil rights were not affected by the expulsion.

Held, that the civil courts would not, after an adjudication by the domestic tribunal depriving the plaintiff of his membership, investigate the legality or regularity of the proceedings, and the motion must be dismissed.

Clement, K.C. for plaintiff. *Millar*, K.C., for defendant.

Province of Manitoba.

KING'S BENCH.

Perdue, J.] *BANNATYNE v. SUBURBAN RAPID TRANSIT CO.* [Sept. 12

Trees on highways—Municipal Act—Railway Company cutting down trees on part of highway needed for its track—Injunction—Compensation to owner of adjoining land.

Motion to continue until the trial an interim injunction preventing the defendants from cutting down and removing shade and ornamental trees growing on the side of the highway adjacent to the plaintiffs' land.

The defendants' Act of incorporation empowering them to construct with the consent of the municipality their line of railway along the public