

do the same; also that plaintiff never had any right of property in the church, the pews in which were free.

E. P. Clement, K.C., for plaintiff.

A. Millar, K.C., for defendants.

MACMAHON, J. (after stating the facts):—"The members of St. Peter's church formed a voluntary religious association, and having by its constitution provided a tribunal for the determination of the status of any member of the church, the question is, will the civil court, after an adjudication by the domestic tribunal which deprived plaintiff of his membership, investigate the legality or regularity of the proceedings by which he is affected?"

Plaintiff's subscriptions to the church and parsonage were voluntary. His civil rights were, therefore, not affected by the resolution of the trustees expelling him from membership.

Although plaintiff held the offices of elder, trustee, and treasurer in the church, these were all honorary positions, no emoluments being attached to any of them; and he had resigned them all prior to the resolution of the trustees expelling him. And, as said . . . in *Dunnet v. Forneri*, 25 Gr. at p. 218, "the position of a member of the church and the right to participate in the ordinances of the church are purely ecclesiastical," and it was held in that case that the Court had no jurisdiction to interfere. . . .

[*Forbes v. Eden*, L. R. 1 Sc. App. 568, *Watson v. Ferris*, 45 Miss. 18, *Bouldin v. Alexander*, 15 Wall. (U. S.) 131, *Long v. Bishop of Capetown*, 1 Moo. P. C. N. S. 411, 461, referred to.]

As plaintiff had been one of those principally concerned with the disruption of St. Peter's church, and had advised members of the congregation not to attend the church, and as he for three months had ceased attending that church and attended St. Matthew's church, the trustees of St. Peter's concluded he had fallen away from or abandoned the church, and therefore passed the resolution expelling him. It was not necessary that the trustees should have passed a resolution expelling him, as the same result would have been achieved by directing that his name be removed from the roll of membership because he had "fallen away from the church"—which is the ground, according to the statement of defence, on which the resolution for expulsion was passed—