

ments had been made by defendants' counsel and witnesses on the supposition that case could not be heard until the spring sittings.

Belleville is admittedly the proper place of trial in this case. The delay, however, unfortunate for the plaintiff, is not in any way attributable to the defendants. I see nothing to distinguish this case from the *Taylor Case supra*, by which I am bound until reversed.

The motion must be dismissed with costs to defendants in any event.

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HON. MR. JUSTICE RIDDELL.

OCTOBER 12TH, 1912.

WEEKLY COURT.

GOLD v. MALDAVER.

4 O. W. N. 106.

*Church — Sale of Pews — Power of Directors — Lease of Part of Building — Resolution — Constitution and By-laws.*

Motion to continue to trial an interim injunction restraining defendant, the President of an Hebrew Congregation, a corporation incorporated under the Ontario Companies Act from leasing the basement of the synagogue and from selling pews without the consent of the pew-owners. By the constitution of the corporation only pew-owning members could vote on property matters.

RIDDELL, J., *held*, that *prima facie* the action of the President in permitting the whole membership to vote on the proposed lease was invalid and he should be enjoined from carrying out the lease but that the selling of pews was a matter wholly for the Executive to deal with and the pew-owners had no right to interfere with their discretion.

Injunction continued until trial on first branch, dissolved on second branch.

Costs in cause unless otherwise ordered by trial Judge.

Motion to continue an injunction granted by HON. MR. JUSTICE MIDDLETON.

W. E. Raney, K.C., for the plaintiffs' motion.

L. F. Heyd, K.C., for the defendant.

HON. MR. JUSTICE RIDDELL:—"The Shaare Tzedek Congregation is a corporation formed by letters patent under the Ontario Companies Act, to take over the assets and liabilities and in every way to stand in the place of a previously existing Hebrew congregation in Toronto, to maintain a place of worship for Hebrews according to the Sephardic Ritual, a