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FALCONBRIDGE, C.J.

OCTOBER 7TH, 1903.

TRIAL.

KINGSTON v. SALVATION ARMY.

Religious Institutions—Salvation Army—Action against for Tort—Unincorporated Voluntary Association — Property Holders in Ontario—Trustees.

Action to recover damages for injuries sustained through the running away of a horse frightened by the noise occasioned by persons conducting religious services as members of the Salvation Army (the defendants) in a street in the city of Hamilton. The noise was made by the beating of a drum, etc. The owner and driver of the horse were originally parties, but the action was discontinued against them before the trial.

The action came on for trial before FALCONBRIDGE, C.J., and a jury at Hamilton. The defendants moved for a nonsuit.

D'Arcy Tate, Hamilton, for plaintiffs.

A. Hoskin, K.C., and G. Lynch-Staunton, K.C., for defendants.

FALCONBRIDGE, C.J.—The Salvation Army may be aptly described as an unincorporated religious community or society, not seeking any recognition under the law at all, so far at least as concerns property which may be held by the head of the society, or the heads of the community.

There have been filed the declarations of General William Booth, who is the supreme commanding officer, and of the commissioner in this Province, Miss Evangeline Booth. The declaration of General William Booth, which bears date 1884, recites that in 1865 he commenced preaching the Gospel; that a number of people were formed into a community or society by him; that at first this society was known by