

individuals at present attending, *as families or individuals*, but only because they declare their adhesion to the Presbyterian Church of Canada in connection with the Church of Scotland—and Mr. Johnston, being among the number of those adherents, could claim accommodation at their hands even though he had no previous connection with the congregation, unless they could show that there was no such accommodation at their command. If this be not conceded, I cannot see how the Trustees could be prevented, during the three years of their continuance in office, from excluding every adherent of the Church of Scotland in Montreal from the Church, if they had any motive for doing so; and then what would become of the Act of Incorporation? But when the Trustees are regarded as acting in the other capacity, as representatives of those worshipping in the Church for the time being, their treatment of Mr. Johnston is still less justifiable. They are nothing more than the managers of a joint-stock company or partnership, Mr. Johnston being a partner or stockholder. They represent him as well as the other partners, and it is only as a matter of convenience that *they* are invested with high legal powers, and not because they have greater rights in the premises than Mr. Johnston. It is not until Mr. Johnston ceases to be a partner, or, to drop the figure, withdraws his name from the communion roll of St. Andrew's Church, or refuses to comply with the general conditions of the trust, that his rights cease. They cannot drive him out of the partnership, without his consent, unless he has violated the conditions of that partnership, which he is not accused in this case of doing.

Evidence was led by the defence to show that it is no uncommon thing in congregations connected with the Church of Scotland, to abolish pew-rents altogether, and so to annihilate all rights of pewholders. But the conclusion sought to be drawn from this, that therefore it was no unusual stretch of prerogative for the Trustees of St. Andrew's Church to refuse a pew to a member of the Church in good