

that the pastor, as the housekeeper in the house of God, refuse the offender the Holy Communion, and should his conduct improve to admit him again to the Lord's Supper. But such as live in open sin and disgrace the trustees shall have the right to exclude from membership. Any one who is excluded from the congregation loses all rights to the property of the church, as also the right to participate in the Holy Communion or as a witness at Baptism. Such rights all those who fall away from the church lose."

At the time of the disruption there were attacks against the pastor of St. Peter's, in which plaintiff took part, saying that he did not know how any member of the congregation could stay under such a minister. But on 1st May he "took all that back," as he considered he had done wrong to the pastor, who was upheld by a large majority of the congregation.

On 2nd May, when plaintiff resigned the treasurership, there was at his credit in a bank, as treasurer of St. Peter's church, \$8.01, for which he gave a cheque payable to the new treasurer. On the same day one of the trustees deposited to the credit of St. Peter's church \$181.73, which sum was withdrawn by plaintiff, by cheque dated 6th June, 1904, in his own favour, and deposited by him in his private account. The discovery of the withdrawal was made about 6th July. Plaintiff was threatened with an action, and on 7th July paid over the money to the new treasurer, who said he did not think plaintiff intended to keep the money, but only to annoy and antagonize the congregation.

The trustees of the church called a meeting on 25th July, at which a resolution was passed expelling plaintiff from membership in the church, of which defendant Bornhold, as secretary, notified plaintiff on 4th August. Plaintiff was not notified of the meeting, nor made aware of the intention to propose a resolution for his expulsion.

This action was brought to restrain defendants from giving effect to the resolution and for a declaration of plaintiff's rights, etc.

The statement of defence alleged that plaintiff had voluntarily ceased to be a member of St. Peter's church, and was not a member at the time it was alleged that he was expelled, but had openly and notoriously allied himself with the seceding congregation, and had advised and persuaded others to