

trouble. Evidence was given of sales refused to dealers, not members of the Association, and that all dealers could not become members as of right, as tending to increase competition, etc.

*Held*, on appeal that the defendant was rightly convicted of an offence under sub-s. (d) of s. 520 of the Code.

*Held*, also, that a cross appeal by the Crown which asked that defendant should be convicted on counts of the indictment on which he had been acquitted should be dismissed as s. 5 of 52 Vict. c. 41 (D.), only gives an appeal from a conviction.

Judgment of MEREDITH, J., affirmed.

*Brewster*, K.C., for appeal. *J. R. Cartwright*, K.C., Dep. Atty.-Genl., and *Clute*, K.C., contra.

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Full Court.]

[Jan. 23.

ARCHER v. SOCIETY OF THE SACRED HEART.

*Contract—Religious Society—Member of—Service in—Dismissal from—Disfranchisement—Damages—Release—Foreign association—Statute of Frauds.*

The defendant, the Society, was a religious association, incorporated under the laws of France, having local institutes in the United States, Ontario, Quebec and other countries separately incorporated according to the laws of those countries, composed of two classes of women, those destined for teaching and lay sisters employed in household duties, with periods of probation, during the second of which (after the first three months) they took vows of poverty, chastity and obedience and became "aspirants," before being permitted to take final vows, up to which latter time the Society, according to its rules, retained the right to dismiss them for grave causes; that right belonging to the Superior General in France who might communicate it to others. The plaintiff became a lay sister in the United States in 1884 and was admitted to the three vows of an "aspirant," but proceeded no further, remaining an "aspirant" only, until dismissed. In February, 1901, she was transferred to an Institute in Ontario until the following June when in consequence of great disturbance and destruction of property, ascribed to her, she was removed to an asylum on the certificate of two physicians, as insane, until the following September, when she was declared cured and discharged. The defendant E.S.,