

administering the funds under their control illegally and contrary to the terms of the Act of the heretofore Province of Canada, incorporating the Board to wit: 22 Vic., cap. 66.

That the Corporation, Respondents, have hitherto made the half-yearly payments of Ministers' allowances from said Fund sometime before the day on which such payments to Ministers would become due, to those entitled to receive same, and the Corporation, Respondents, as Petitioner has been credibly informed and believes are immediately about illegally to issue checks in payment of and to pay the pretended allowances which will become due on the first day of January next.

That the said Petitioner has a personal interest in the Funds administered by 10 the Respondents and more especially in that portion of the Funds so administered by them arising from the Commutation of claims of Ministers upon the Clergy Reserves and the proceeds thereof, and the said Petitioner has a right to allowances therefrom for life, provided he maintains his connection with the Presbyterian Church of Canada, in connection with the Church of Scotland, and does not cease to be a Minister in connection therewith, which said allowances and which said interest in the said Funds are endangered by the infringement upon the Capital of the said Fund, made by the Board, Respondents, and by the illegal payments hereinbefore indicated or made, or that may hereafter be made by the Board, Respondents, out of the capital of the said Fund or the interest or revenues 20 accruing thereon.

That all the payments heretofore made by Respondents to the persons hereinbefore mentioned, since the fifteenth day of June, eighteen hundred and seventy-five, or contemplated to be made out of the said Fund, as hereinbefore stated, are contrary to the provisions of the statute of the heretofore Province of Canada, 22 Vic., Chap. 66, and in so far as they may be ostensibly authorised by the Acts of the Parliament of Quebec, or of any of them, are illegal and unconstitutional, and *ultra vires* of the Corporation, Respondents, as Petitioner is advised and verily believes.

Wherefore the said Petitioner, personally and in his said qualities, prays that 30 a Writ of Injunction may issue against the said Corporation, and against the said Reverend John Jenkins, Reverend Gavin Lang, William Walker, Esquire, Robert Dennistoun, Esquire, Reverend John Cook, Reverend Daniel M. Gordon, Sir Hugh Allan, John L. Morris, Esquire, Reverend John H. Mackerras, William Darling, Esquire, and Alexander Mitchell, Esquire, enjoining them and each of them to appear before this Honorable Court or a Judge thereof, to answer the present Petition.

That the Act of the Legislature of the Province of Quebec, intituled "an Act to amend the Act, intituled, 'an Act to incorporate the Board for the management of the Temporalities' Fund of the Presbyterian Church of Canada, in connection with 40 the Church of Scotland," passed in the thirty-eighth year of Her Majesty's reign, (38 Vic., Chap. 64), may be adjudged and declared to be unconstitutional and illegal, and be rescinded and revoked, and that the subject matter thereof as therein presented may be declared to be *ultra vires* of the Legislature of the said Province of Quebec, and that it be declared and adjudged, by the judgment to be rendered upon this petition, that the said Corporation, Respondents, are acting and taking proceedings beyond their power, and without having fulfilled the formalities prescribed by law, and by the Act of Incorporation thereof, by permitting the said