

clusive evidence; and there is nothing to operate by way of estoppel or otherwise to prevent the truth appearing.

What is mainly relied upon is that the directors including the president are charged with the management of the affairs of the corporation; that the directors may exercise all the powers of the corporation except as specifically excepted. It is to be observed that these powers are to be "subject . . . to any regulations not inconsistent, etc., etc., prescribed by the corporation in general meeting . . ." Regulations were made in general meeting (Article 6, secs. 1, 2) as to the sale of pews; and these do not prevent the exercise by the directors of the power to sell the pews provided the sale be (1) at a regular or special meeting called for the purpose, and (2) at auction to members only. It is not a matter which requires to be brought at all before the congregation any more than the sale of part of an ordinary company's land by the board of directors of such company.

Article 5, sec. 5, then has no application in my view.

I do not think that the injunction as to this branch can be sustained, as I do not think the approval of a majority of the present pew holders is necessary.

The defendant seems to be proceeding in good faith to sell so as to raise money to pay off pressing liabilities, and if he has the authority of the directors I do not think he can be restrained.

It may not perhaps be wholly without effect if I were to urge these brethren of one race and one creed living amongst a vastly preponderating Gentile population to try to sink their differences and live as brethren. Their great ancestor said to his nephew "Let there be no strife, I pray thee, between me and thee . . . for we be brethren"—and their greatest poet said later: "Behold how good and how pleasant it is for brethren to dwell together in unity."

But if the parties cannot agree the injunction will be dissolved as to the last part, continued as to the first on the defendant's consent; costs in the cause unless otherwise ordered by the trial Judge.