

Article 6, sec. 1: "The seats in the Synagogus may be sold at any regular or special meeting called for such purpose."

Article 6, sec. 2: "The seats must be sold by auction to the highest bidder, and are to become the property of the buyer, his executors and heirs. When there are no heirs, the seat shall belong to the Synagogue."

As all the seats are individual, the words "seat" and "pew" are synonymous.

The subsequent provisions of article 6 make it plain that only a member can buy a seat or pew.

The result is that the members are divided into two classes, 1. those who have "their pews bought," and 2. those who have not. All may vote at general meetings "except on property affairs"—on these only the first class.

At a meeting of the congregation—corporation with the defendant, the president in the chair, it was proposed to lease the basement of the synagogue for two years at a rental of \$200 per annum—a number of pew owners protested as an offer for \$500 per annum had been received—it is said that the tenant in either case was to sweep out the synagogue, also. The president, against the protest of the majority of the pew owners, allowed the general body of members to vote and declared the motion carried.

I am asked to continue the injunction restraining the president from acting on this resolution.

There are two arguments which might be advanced to support this resolution, but I pass over them as the defendant does not object to the injunction being continued on this branch.

But there is another and more important matter—the defendant, the president of the synagogue intends it is said to sell pews "notwithstanding . . . that fully two-thirds of the total number of fifty-nine pew owners in said congregation are opposed to the sale of any further pews or seats at the present time." There does not seem to have been any vote of the congregation directing such sale, and, therefore, the first ground suggested why the leasing was proper does not here appear.

That was that in the charter the declaration by the president, etc., is made sufficient evidence of the passing of a resolution without any proof of the number of the votes, etc. But while the declaration of the president, and entry in the books are sufficient evidence, they are not con-