

own name by transfer from Robert Henry Booth, her predecessor in said office, and otherwise as may be hereafter purchased and acquired, lands, buildings, etc., and further reciting a request by William Booth to execute a declaration, this indenture witnesseth that the said Evangeline Cora Booth does hereby irrevocably admit and declare that she and her heirs will stand possessed of all lands, buildings, etc., acquired, devised, and bequeathed to her while she was so acting or supposed to be acting as such officer, upon trust for the said William Booth, his heirs, executors, administrators, and assigns, or other the General for the time being of the Salvation Army, and to convey, assign, or surrender or otherwise dispose of the same, as such General shall from time to time direct. She further declares that any real or personal property whatsoever acquired by her shall, until she has conclusively established the contrary to the satisfaction of the said William Booth or other General, be deemed to belong to her as an officer of the said Army, and upon trust for the said William Booth or his successors. Then there is a provision that she shall have the power, so long as he shall not have revoked these powers, to sell, mortgage, and lease, and otherwise deal with the property.

Now, that is the position of the Salvation Army with reference to the holding of property in this country.

Then the only instance in which recognition has at all been sought from or given by Parliament is in R. S. O. 1897 ch. 162, which is an "Act respecting the Solemnization of Marriage," and which provides (sec. 2, clause 3) that, "any duly appointed commissioner or staff officer of the religious society called the Salvation Army, chosen or commissioned by the said society to solemnize marriages," may legally do so.

Both parties have invoked the celebrated Taff Vale case, and both parties have agreed that upon the principles there laid down in that case this judgment must pass. That is a case which was decided by the House of Lords, [1901] A. C. 426, in which the judgment of Mr. Justice Farwell, after an intervening adverse decision, was affirmed, and their Lordships of the House of Lords refer to the judgment of the original trial Judge, Mr. Justice Farwell, with approval.

Now it has been pressed upon me on behalf of the defendants that there are great distinctions between the Taff Vale case and this. The Taff Vale case was what is commonly known as a trades union case, and it is pointed out that there the trades union was registered under the Act, and was given the capacity of owning property and acting by agents. These elements appear to be absent in this case. I refer to the language of Mr. Justice Farwell: "Now, although a cor-