SPRINGHEAD SPINNING COMPANY *v.* RILEY.

V. C. M.
1868
May 8;
July 31.

Trades Unions—Intimidation of Workmen—Injury to Property—Injunction.

The Defendants, who were officers of a trades union, gave notice to workmen, by means of placards and advertisements, that they were not to hire themselves to the Plaintiffs pending a dispute between the union and the Plaintiffs. The bill prayed an injunction to restrain the issuing of the placards and advertisements, alleging that by means thereof the Defendants had, in fact, intimidated and prevented workmen from hiring themselves to the Plaintiffs, and that the Plaintiffs were thereby prevented from continuing their business, and the value of their property was seriously injured and materially diminished:—

Held, upon demurrer, that the acts of the Defendants, as alleged by the bill, amounted to crime, and that the Court would interfere by injunction to restrain such acts, inasmuch as they also tended to the destruction or deterioration of property.

Demurrer overruled.

THIS was a demurrer to a bill filed by the *Springhead Spinning Company, Limited,* carrying on business as cotton spinners at *Springhead Lees,* near *Oldham,* in the county of *Lancaster,* where they employed a large number of hands, against *J. Riley* and *J. Butterworth,* the president and secretary of an incorporated society, calling itself the *Operative Cotton Spinners, Self-acting Minders, and Turners' Provincial Association,* which was a voluntary association of persons supported by moneys contributed by the members, and against a printer named *Carrodus.* The book of rules of the association contained a preface urging on the members the necessity of combination, and concluded with rules for the settlement, by the committee of the association, of all disputes between workmen and their employers, and for the payment of allowances to the men and their families while on strike.

The bill contained the following statements:—The managers of the Plaintiffs, owing to changes in the quantity of the cotton used in the winding and spinnings of the Plaintiffs, found it necessary, about the month of February, 1868, to re-adjust the amounts of wages then paid to the hands employed in their mill. Accordingly, on the 27th of February, a deputation of the hands, known as "minders," was invited to the offices of the Plaintiffs, and the pro-

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posed alterations stated to them, with a request that they would hold a meeting of the hands, and consider the matter. On the 4th of March following, the Defendants *Riley* and *Butterworth*, together with two persons representing themselves as two of the managing committee of the association, called on the Plaintiffs' managers, and stated they came as representatives of the association. The Plaintiffs' managers furnished the last-named Defendants and their companions with the proposed list of prices. The Defendants expressed themselves content with the proposed re-adjustment of wages, and left the Plaintiffs' premises at about the dinner hour of the hands.

Upon the return of the hands certain of the "minders," with the concurrence, and, in fact, at the instigation of the Defendants *Riley* and *Butterworth*, and other members of the association not known to the Plaintiffs, gave notice of their intention to leave at the expiration of a week, and on the 11th of March the hands, consisting of minders and piecers, quitted the Plaintiffs' employ.

There were, in fact, many persons competent and willing to take the situations vacated by the hands who had so left the Plaintiff's employ. But in order to prevent such persons from entering into engagements with the Plaintiffs for carrying on their business, and to prevent the hands who had so quitted the Plaintiffs' employ from re-engaging themselves, the Defendants *Riley* and *Butterworth* had recently, with the assent and concurrence of the members for the time being of the association, and out of moneys contributed by the association for that purpose, published, and caused to be posted on the walls and other public places in the neighbourhood of *Springhead Lees* and *Oldham*, divers placards in the following words:—"Wanted all well-wishers to the *Operative Cotton Spinners, &c. Association* not to trouble or cause any annoyance to the *Springhead Spinning Company, Lees*, by knocking at the door of their office until the dispute between them and the self-actor minders is finally terminated. By special order."—"*Carrodus*, 32, *Greaves Street, Oldham.*"

The Defendants *Riley* and *Butterworth*, with the like assent and out of the like moneys also, in order to prevent persons from entering into engagements with the Plaintiffs for carrying on the business, caused to be inserted in the *Manchester Guardian* and

other newspapers having a large circulation in *Springhead Lees* and *Oldham*, and elsewhere, where the persons reside who would be willing to work for the Plaintiffs, an advertisement similar to the placard before set forth.

(Par. 17). The said placards and advertisements were part of a scheme of the Defendants *Riley* and *Butterworth*, and the said association, whereby they, by threats and intimidation, prevented persons from hiring themselves to, or accepting work from, the Plaintiffs, and there were divers persons in, and in the neighbourhood of *Springhead*, and elsewhere, who, by reason of such notices and the liabilities under which they would place them in regard to the association, were intimidated and prevented from hiring themselves to the Plaintiffs.

Letters of remonstrance were sent by the Plaintiffs' solicitor to the Defendants *Riley* and *Butterworth*, and *Carrodus* and other persons, against the continuance of the advertisements and placards, and a public notice was issued to all persons in the neighbourhood, warning them against the continuance of the printing and publishing of these placards.

Notwithstanding such public notice and letters, the Defendants threatened and intended to publish other placards and advertisements of a similar nature. The Defendants *Riley* and *Butterworth*, and the association, had, by means of such notices and advertisements, in fact, intimidated and prevented divers persons from hiring themselves to, and accepting work or employment from, the Plaintiffs, although such persons were willing to work for, and to hire themselves to and accept work from, the Plaintiffs, and in particular, the Defendants had prevented *P. Killeen* and *B. Chadderton* from so hiring themselves, and had, in fact, by the means aforesaid, forced the said *Killeen* and *Chadderton* to depart from the hiring which already subsisted between them and the Plaintiffs.

The Defendant *Carrodus* had, since he was communicated with on behalf of the Plaintiffs, reprinted and republished such placards as aforesaid.

(Par. 30). The business carried on by the Plaintiffs was one of considerable magnitude, and the good-will thereof was worth many thousand pounds. It was essential to the maintenance of such good-will that the Plaintiffs' business should be continued as a

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going concern, and any stoppage of the Plaintiffs' mill, in addition to the large loss arising from the cessation of work, greatly depreciated the value of the good-will of the Plaintiffs' business, and was, in fact, an irreparable damage to the *corpus* of their property.

(Par. 31). By the acts of the Defendants the Plaintiffs were intended by the Defendants to be, and were, in fact, prevented from obtaining any persons willing to work at their mill or factory, and thereby the Plaintiffs were sustaining an actual damage or loss amounting to £178, or thereabouts, per week, and were in addition prevented from carrying on the business as a continuous and going concern, whereby the value of the *corpus* of the Plaintiffs' property was seriously diminished, and was put in jeopardy of being lost entirely.

The bill prayed that the Defendants *Riley* and *Butterworth*, as well on their own behalf as on behalf of all other the members of the association, their servants and agents, might be restrained from printing or publishing any placards or advertisements similar to those already set forth, or to the like effect, whereby the property of the Plaintiffs, or their business, might be damnified or injured, or whereby any persons might be unlawfully hindered from working in the Plaintiffs' mill or factory, or from hiring themselves to, or accepting work from, the Plaintiffs, and that damages might be awarded to the Plaintiffs for the loss and damage already sustained, or which might be sustained, by them in respect of the acts of the Defendants therein complained of, and that the Defendants might pay the costs of this suit.

The Defendants demurred.

The Vice-Chancellor having granted an interim injunction, the case now came on for argument upon the demurrers.

Mr. *Cotton*, Q.C., and Mr. *Bardswell*, in support of the demurrer of *Riley* and *Butterworth*:—

The relief sought by this bill is of an entirely novel character, and there is no case in which such an injunction has ever been granted. There are two grounds for sustaining the demurrers. The first is, that the acts complained of are not illegal; and, secondly, that if they were ever so illegal, they are not such acts as this Court could restrain by injunction. The statement made

by the bill is, that the Defendants are interfering to prevent persons from hiring themselves to the Plaintiffs. If this were the only ground of complaint, there would be nothing illegal in the conduct of the Defendants, because it was laid down as law by Mr. Baron *Bramwell*, in the case of *Reg.* v. *Druitt* (1), that it was not illegal for workmen to combine together to regulate the amount of wages, so long as they used no threats or violence to prevent other men from hiring themselves. The placards and advertisements are of a peaceful nature, and only intended to carry out the system of combination, which is perfectly legal; and there is no act of violence, and no threats alleged to have been used by the Defendants. The only attempt by the bill to raise a charge of violence is the allegation that the placards and advertisements are part of a scheme whereby the Defendants, by threats and intimidation, prevented persons from accepting work from the Plaintiffs. If this allegation were proved, it would be one of crime which is punishable under a penal statute, and the Court of Chancery having no jurisdiction in criminal cases, cannot interfere with a purely criminal charge. This was laid down by Lord *Eldon* in *Gee* v. *Pritchard* (2). The allegations in this bill prove distinctly that the offence, if there be an offence, which the Defendants have been guilty of, is a crime punishable by the Courts of Law, and this Court cannot interfere. In the case of a nuisance, the Court of Chancery only interferes where the Attorney-General comes in to protect the public, or where there is any special injury done to private property. Here there is no injury to property. The utmost that can be said is, that the acts complained of have a tendency to lower the amount of the Plaintiffs' profits; but this is not a ground for the interference of a Court of Equity. There are numerous instances of profits being interfered with between rival traders that would not constitute grounds for the interference of this Court. But if any damage is done to the Plaintiffs by an illegal act, then the Court of Law has power to award damages. In *Sutton* v. *South Eastern Railway Company* (3) the Court refused to exercise its equitable power of granting an injunction where the Plaintiff could recover damages for the injury he had sustained.

(1) 16 L. T. (N. S.) 855. (2) 2 Sw. 402, 413.
(3) Law Rep. 1 Ex. 32.

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Mr. *Keane*, Q.C., for the demurrer by *Carrodus*, the printer :—

By the Act of 20 & 21 Vict. c. 43, the Legislature has provided a remedy for cases arising between employers and workmen, and the Court of Chancery has no power to interfere. In the case of *Wood* v. *Bowron* (1) the Court refused to sustain a conviction by the justices at *Stockton*, on the ground that no threat was held out by the workmen's society. There was no doubt a combination of the workmen to regulate the terms upon which certain men should be employed, and in consequence of an employer having acted contrary to the rules of the society, they ordered that no member of the society should work for that employer. They went even further, for they demanded that certain expenses said to have been incurred by the society should be paid before any of the men should return to work. Still, the conviction was quashed. Chief Justice *Cockburn* expressed his opinion that in order to bring the case within the statute, it was necessary that there should be a threat or intimidation with the object of compelling the master to alter his conduct. In this case there is no allegation except in general terms of threat or intimidation. There is no criminal act within the statute; and if there were, then it would be for the Court of Law to punish the crime, and not a Court of Equity.

Mr. *Glasse*, Q.C., and Mr. *Ince*, in support of the bill :—

This is a case standing upon an old established jurisdiction of the Court of Equity, although applied to a new subject. If an act being illegal tends to the injury of property, then the Court may interfere to restrain the act complained of. First, then, the act is illegal. It is alleged by the bill, and consequently admitted by the demurrer, that the conduct of the Defendants was part of a scheme whereby they, in fact, by threats and intimidation prevented persons from hiring themselves to, or accepting work from, the Plaintiff. This allegation brings the case within the terms of the statute 20 & 21 Vict. c. 43. The case of *Wood* v. *Bowron* was decided on the ground that the justices against whose order the appeal was made had not stated that they had drawn the inference that the act complained of was a threat or intimidation,

(1) Law Rep. 2 Q. B. 21.

and therefore, that the case was not brought within the statute. But in *Skinner* v. *Kitch* (1), where a master builder received notice from a carpenters' union, that four of his men who belonged to the union would be ordered to leave his employment unless a fifth workman, also in his employ, became a member of the union, it was decided that the secretary of the union was guilty of having by threats endeavoured to force the employer "to limit the description of his workmen."

Then, although this is a criminal act, still the Court of Chancery has power to interfere by injunction in case there is any injury done to property. This was decided in *Macaulay* v. *Shackell* (2). *Clark* v. *Freeman* (3) was dissented from by Lord Justice *Cairns* in the case of *Maxwell* v. *Hogg* (4), and even there the Master of the Rolls would have interfered by injunction if he had been satisfied that any mischief was done to the Plaintiff's property. *Emperor of Austria* v. *Day* (5) is still stronger. In *Walker* v. *Brewster* (6) the Plaintiff complained that his property would be rendered less enjoyable and comfortable by the conduct of the Defendant; and on that ground an injunction was granted. In *Banks* v. *Gibson* (7) the mere right of partners to the use of the name of a firm was held to be sufficient evidence of property to entitle the Court to interfere; and the cases of restraining the use of a trade mark, by which the property of another is damaged, are of frequent occurrence. *Seixo* v. *Provezende* (8) is one of such cases. In *Prince Albert* v. *Strange* (9), the very shadowy right to restrain the publication of a catalogue of private pictures was maintained; and in *Thomas* v. *Oakley* (10) a Defendant who had a right of taking stone from the Plaintiff's quarry for building purposes connected with one portion of his estate, was restrained from taking stone to be used in another portion of the estate. There the distinction between waste and trespass was disregarded, and the jurisdiction against waste, by injunction, was applied to trespass.

Mr. *Cotton*, in reply.

(1) Law Rep. 2 Q. B. 393.
(2) 1 Bli. (N.S.) 96, 127.
(3) 11 Beav. 112.
(4) Law Rep. 2 Ch. 310.
(5) 3 D. F. & J. 217.
(6) Law Rep. 5 Eq. 25.
(7) 34 Beav. 566.
(8) Law Rep. 1 Ch. 192.
(9) 1 Mac. & G. 25.
(10) 18 Ves. 184.

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July 31. SIR R. MALINS, V.C., after stating the facts, and referring to the Acts 6 Geo. 4, c. 129, the *Masters and Workmen's Act*, and the Act of 1859 (20 & 21 Vict. c. 43), continued:—

These Acts have received an authoritative construction in the direction of Mr. Baron *Bramwell* to the jury in the case of *Reg.* v. *Druitt* (1). The substance of that judgment, in which I entirely concur, is this:—That every man is at liberty to induce others, in the words of the Act of Parliament, "by persuasion or otherwise," to enter into a combination to keep up the price of wages, or the like; but directly he enters into a combination which has as its object intimidation or violence, or interfering with the perfect freedom of action of another man, it then becomes an offence not only at common law, but also an offence punishable by the express enactment of the Act 6 Geo. 4, c. 129. It is clear, therefore, that the printing and publishing of these placards and advertisements by the Defendants, admittedly for the purpose of intimidating workmen from entering into the service of the Plaintiffs, are unlawful acts, punishable by imprisonment under the 6 Geo. 4, c. 129, and a crime at common law.

But if these acts amount to the commission of a crime only, it is clear that this Court has no jurisdiction to restrain them. In the celebrated case of *Gee* v. *Pritchard* (2), the object of which was to restrain the publication of letters written by the Plaintiff to the Defendant, Lord *Eldon* says: "The publication of a libel is a crime, and I have no jurisdiction to prevent the commission of crimes, excepting, of course, such cases as belong to the protection of infants where a dealing with an infant may amount to a crime—an exception arising from that peculiar jurisdiction of this Court." Further on Lord *Eldon* says: "The question will be, whether the bill has stated facts of which the Court can take notice, as a case of civil property, which it is bound to protect."

Lord *Campbell*, in the case of the *Emperor of Austria* v. *Day* (3), quotes that passage with approbation.

The jurisdiction of this Court is to protect property, and it will interfere by injunction to stay any proceedings, whether connected with crime or not, which go to the immediate, or tend to the ulti-

(1) 16 L. T. (N.S.) 855. (2) 2 Sw. 402, 413.
(3) 3 D. F. & J. 239.

mate, destruction of property, or to make it less valuable or comfortable for use or occupation. It will interfere to prevent the destruction of property, as shewn by *Lowndes* v. *Bettle* (1). Mr. *Lowndes* and his son were in possession of very large estates. The Defendant *Bettle* conceived that he was entitled to those estates. Time had run against him if he ever had a title, but nevertheless he thought he would keep his title up by occasionally entering upon the Plaintiff's property, and cutting down a tree, or digging up the turf. Mr. *Lowndes* filed a bill for an injunction. It was argued on behalf of the Defendant that this was a mere trespass, and not within the jurisdiction of this Court. Nevertheless, in a most elaborate judgment, Vice-Chancellor *Kindersley* granted an injunction because there were repeated acts of trespass which went to the destruction of property, and it was the duty of this Court to protect property against such acts. The familiar cases of light and air, nuisance, and trade marks, will illustrate what I have said, namely, that the Court will interfere where the acts complained of go to the destruction or material diminution of the value of property. It is distinctly charged by this bill, and it is consequently admitted by the demurrers, that the acts of the Defendants which are complained of do tend to the immediate destruction of the value of the Plaintiffs' property. The 30th and 31st paragraphs of the bill go distinctly to this point, and in the 17th paragraph it is stated that these placards and advertisements are, in fact, part of a scheme of the Defendants whereby they, by threats and intimidation, prevent persons from hiring themselves to or accepting work from the Plaintiffs. If the Defendants *Riley* and *Butterworth* had carried on a manufactory in the neighbourhood of the Plaintiffs' works, and had by any process poured noxious vapours into the Plaintiffs' mill to such an extent as to render it impossible for them to procure workmen to carry on their operations, that would have been a nuisance tending to the destruction of the Plaintiffs' property which this Court would have restrained by injunction; and so it would if the Defendants had, by darkening their ancient lights, rendered it impossible or even difficult to carry on their trade; and so if the Defendants had, by constructing a material obstruction, such as building a wall, ren-

(1) 33 L. J. (Ch.) 451.

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dered the access by the workpeople of the Plaintiffs to their mill impossible. Why should the Defendants be less amenable to the jurisdiction of this Court because they proceed to destroy the value of the Plaintiffs' property in another but not less efficacious mode, namely, by their threats and intimidation rendering it impossible for the Plaintiffs to obtain workmen, without whose assistance the property becomes utterly valueless for the purposes of their trade?

The truth, I apprehend, is, that the Court will interfere to prevent acts amounting to crime, if they do not stop at crime, but also go to the destruction or deterioration of the value of property. That was the principle on which the Court restrained the proceedings of M. *Kossuth*, with regard to the Hungarian notes in the case of the *Emperor of Austria* v. *Day* (1). Lord Chancellor *Campbell* says (2): "In arguing the appeal in this Court the counsel for the Plaintiff have entirely repudiated any claim to the injunction on the ground of a mere invasion of any prerogative of the Plaintiff as a reigning sovereign, or of the notes being to be used to effect a revolution, or for any political purpose; and they have very freely admitted that this Court has no jurisdiction to interfere merely with a view to prevent revolution, and that it is only to prevent an injury to property that in a case like this its aid by injunction is invoked." Lord *Campbell* again says, in the next page: "I am clearly of opinion that the Plaintiff here states unlawful acts and intentions of the Defendants, by which, if not prevented, a damage will be done to the property of the Plaintiff as sovereign, and to the property of his subjects, whom he has a right to represent in an English court of justice." And again, His Lordship quotes that passage from Lord *Eldon*, that the Court will not interfere to prevent a crime, but he says the question will be whether the bill has stated facts which the Court can take notice of as a case of civil rights which it is bound to protect. Lord Justice *Knight Bruce* expresses himself to the same effect, and there is one remarkable passage in the judgment of Lord Justice *Turner*, which, I think, puts the matter upon a most satisfactory footing. His Lordship says (3) that the effect of the introduction of these spurious notes by *Kossuth* into the kingdom would be "to endanger,

(1) 3 D. F. & J. 217. (2) 3 D. F. & J. 232.
(3) 3 D. F. & J. 253.

to prejudice, and to deteriorate the value of the existing circulating medium, and thus to affect directly all the holders of Austrian bank notes, and indirectly, if not directly, all the holders of property in the state. The same "great authority to which I have referred" (that is, to *Vattel*, book 1, cap. 10) "has very clearly pointed out these consequences. But it is said that the acts proposed to be done are not the subject of equitable jurisdiction, or that, if they are, the jurisdiction ought not to be exercised until a trial at law shall have been had. To neither of these propositions can I give my assent." Then comes the passage on which I mainly rely—"I agree that the jurisdiction of this Court in a case of this nature rests upon injury to property actual or prospective, and that this Court has no jurisdiction to prevent the commission of acts which are merely criminal or merely illegal, and do not affect any rights of property, but I think there are here rights of property quite sufficient to found jurisdiction in this Court. I do not agree to the proposition that there is no remedy in this Court if there be no remedy at law, and still less do I agree to the proposition that this Court is bound to send a matter of this description to be tried at law."

The same rule is in effect laid down by Lord *Eldon* in the celebrated case of *Macaulay* v. *Shackell* (1). Lord *Eldon* there says:—"The Court of Equity has no criminal jurisdiction, but it lends its assistance to a man who has, in the view of the law, a right of property, and who makes out that an action at law will not be a sufficient remedy and protection against intruding upon his publication."

It was because he considered there was no injury to property that Lord *Langdale* refused to interfere in favour of Sir *James Clark*, in *Clark* v. *Freeman* (2), to restrain the sale of pills under the false representation that they were made from the prescription of the Plaintiff, Sir *James Clark*. I confess myself wholly unable to coincide in the reasoning of Lord *Langdale* in that case, and the decision may now, I think, be considered as erroneous, for the reasons stated by Lord *Cairns* in *Maxwell* v. *Hogg* (3), where he says: "It always appeared to me that *Clark* v. *Freeman* might have been decided in favour of the Plaintiff, on the ground that he

(1) 1 Bli. (N.S.), 96, 127. (2) 11 Beav. 113.
(3) Law Rep. 2 Ch. 310.

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had a property in his own name." And I must say that it is perfectly clear to my mind, at all events, that a man has a sufficient property in his own name to prevent another from falsely passing off, injuriously to his reputation, medicines as personally prescribed by him, which might cause a total destruction of his professional character. I think it was because there was an interference with property that Lord *Langdale* did grant an injunction against the directors of a joint stock company publishing the name of the Plaintiff as a director without his authority, and he put it on the ground, that to allow his name to be used would throw a liability on him, which, in other words, would affect his property.

In the present case, the acts complained of are illegal and criminal by the Act of Geo. 4, and it is admitted by the demurrers that they were designedly done as part of a scheme, by threats and intimidation, to prevent persons from accepting work from the Plaintiffs, and, as a consequence, to destroy the value of the Plaintiffs' property. It is, in my opinion, within the jurisdiction of this Court to prevent such or any other mode of destroying property, and the demurrers must, therefore, be overruled.

The Defendant *Carrodus*, as stated in the bill, persisted in reprinting and re-publishing the placards and advertisements after a warning from the Plaintiffs, and his demurrer must consequently be overruled.

In coming to this conclusion I desire to be understood as deciding simply on what appears upon this bill and these demurrers. For the reasons I have stated I overrule these demurrers, because the bill states, and the demurrers admit, acts amounting to the destruction of property. Upon the general question whether this Court can interfere to prevent these unlawful proceedings by workmen issuing placards amounting to intimidation, and whether acts of intimidation generally would go to the destruction of property, that will probably have ultimately to be decided at the hearing of this cause. In the meantime I would only make this observation, that by the Act of Parliament it is recited that all such proceedings are injurious to trade and commerce, and dangerous to the security and personal freedom of individual workmen, as well as the security of the property and persons of the public at large; and if it should turn out that this

Court has jurisdiction to prevent these misguided and misled workmen from committing these acts of intimidation, which go to the destruction of that property which is the source of their own support and comfort in life, I can only say that it will be one of the most beneficial jurisdictions that this Court ever exercised.

With regard to the costs, I do not intend, considering the novelty and importance of the question raised by this bill and these demurrers, to overrule them with costs in the ordinary course, but I shall reserve the costs.

Solicitors for the Plaintiffs: Messrs. *Clarke, Woodcock, & Ryland.*
Solicitor for the Defendants: Mr. *W. P. Roberts.*

ATTORNEY-GENERAL *v.* BUNCE.

Construction—Charities—Presbyterians—Baptists—Dissenters' Chapels Act (7 & 8 Vict. c. 45)—Cy-près.

Under wills dated between 1716 and 1803, various funds were bequeathed for the ministers, and otherwise for the benefit of Protestant Dissenters called "*Presbyterians*," at *D.* It appeared that there had existed a Presbyterian chapel at *D.* since 1662, that some *Baptists* had associated with them, and that the Baptist element had in course of time so much increased, that in 1863 only a few of the members were Presbyterian, and since 1803 the ministers of the chapel had been Baptist. An information was filed in 1863, raising the question who were entitled to these funds, which were proved to have been enjoyed by the minister and congregation of the chapel for the last seventy years, and in 1865 a congregation was formed by persons claiming to be strict *Presbyterians*, who now claimed the funds as such:—

Held, that the use of the term "*Presbyterian*" did not amount to a requisition that any particular religious doctrines or mode of worship should be taught or observed; and that under the *Dissenters' Chapels Act* (7 & 8 Vict. c. 45), the usage for the last twenty-five years must be held conclusive, and the congregation who had enjoyed the funds must be declared entitled:

Held also, that, upon the evidence, there had been no strictly Presbyterian congregation at *D.* for the last century, and that the funds would, if necessary, be applied *cy-près* in favour of the congregation in possession.

ADJOURNED SUMMONS.

The information was filed in 1863 by the Attorney-General, the certificate of the Charity Commissioners having been obtained, for