J. C. ASH (PLAINTIFF).....APPELLANT; 1901

AND *Nov. 12.

THE METHODIST CHURCH (DEFENDANT).....RESPONDENT.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO.

Appeal—Church discipline.

Where an appeal raised the question of the proper or improper exercise of disciplinary powers by the Conference of the Methodist Church, the Supreme Court refused to interfere the matter complained of being within the jurisdiction of the Conference.

APPEAL from a decision of the Court of Appeal for Ontario (1) affirming the judgment at the trial in favour of the defendant.

The plaintiff had been "located" as it is termed by the Methodist Conference, which had the effect of preventing him pursuing his calling as a minister of the church and deprived him of the emoluments attached to such position. He brought an action claiming damages and a mandamus for reinstatement in the ministry, but failed at the trial and in the Court of Appeal to obtain judgment.

Riddell K.C. for the appellant. Plaintiff had a right to resort to the civil courts. *Essery* v. *Court Pride of the Dominion* (2).

Under its rules the Conference had no right to locate him after twenty-three years service. See *Mulroy* v. *Knights of Honor* (3).

The learned counsel also refered to *Richardson-Gardner* v. *Fremantle* (4). Bacon on Friendly Societies, (2 ed.) 101 *et seq.*

*PRESENT:—Sir Henry Strong C.J. and Gwynne, Sedgewick, Girouard and Davies JJ.

(1) 27 Ont. App. R. 602.
(2) 2 O. R. 596.
(3) 28 Mo. App. 463.
(4) 24 L. T. 81; 19 W. R. 256.

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v.
THE METHODIST CHURCH.

Maclaren K.C. for the respondent was not called upon.

The judgment of the court was delivered by:

The Chief Justice.

THE CHIEF JUSTICE (Oral).—I do not think we need call on counsel for respondent. Without putting it on the technical ground of our jurisdiction to entertain the appeal, we think it is a case in which we should not interfere. The evidence and documents shew that the conference has a right to superannuate a minister, using the word not as it may be used in some special sense in the rules of the conference, but in its general sense, and that justified that body in "locating" as it is termed, this minister as they did. As said by Mr. Justice Maclennan at the close of his judgment, we have no right to interfere in a matter clearly within the powers of the domestic forum and in which they have taken action.

I cannot state the position better than by using the words of Mr. Justice Maclennan where he says:

> The question whether a minister is unacceptable or inefficient is peculiarly one for the judgment of Conference, and by the discipline that body is made the sole judge on the subject. In the present case they had before them, and upon their records, the grounds upon which they proceeded. The domestic appellate court has declared that their proceedings were regular and I think the plaintiff has not made out any case for the interference of a court of law.

Probably some of my brothers would like to add that what was done by the Conference was entirely justified by the facts. I do not myself proceed on any such ground.

The appeal is dismissed with costs.

Appeal dismissed with costs.

Solicitors for the appellant: *Beatty, Blackstock & Nesbitt.*

Solicitors for the respondent: *Maclaren, Macdonald, Merritt & Shepley.*