

Judges should be lodged at this time or the expense of making them incurred. That may be ordered to be done hereafter, if the course taken in argument of the appeal should make it necessary. As to the conduct of the argument, whether it should be divided, etc., etc., no direction can be given. That will be a matter for the Court. The parties will no doubt agree as to what documents, exhibits, etc., shall be copied in the appeal book, and as to that no direction at present. Costs of application to be costs in the cause.

WINCHESTER, MASTER.

JANUARY 13TH, 1903.

CHAMBERS.

SMALL v. AMERICAN FEDERATION OF MUSICIANS.

*Writ of Summons—Service—Unincorporated Foreign Voluntary Association—International Association—Service upon Executive Officer in Ontario—Conditional Appearance.*

Application to set aside the writ of summons and service thereof upon D. A. Carey for and on behalf of the American Federation of Musicians (9th District), upon the grounds that there is no provision in the Rules authorizing service upon the defendants by means of service on Carey, and that the defendants, not being an incorporated body or partnership, cannot be so served. The action was against the Federation and Carey for an injunction restraining them from endeavoring to induce or persuade one Creswell and the members of his orchestra engaged by plaintiff at the Grand Opera House, London, Ontario, to refuse to continue in plaintiff's employment. An order was made on the 11th December, 1902, allowing plaintiff to add as defendants a number of persons "on behalf of themselves and all other members of the American Federation of Musicians and of the London Musical Protective Association," etc., and the writ of summons was amended accordingly.

J. G. O'Donoghue, for the motion.

C. A. Moss, for plaintiff.

THE MASTER, after referring at length to the evidence as to the constitution of defendants and their officers, cited and quoted from the cases of Massey v. Woodward (per Meredith, J., 20th March, 1900); Taff Valley R. W. Co. v. Amalgamated Society of Railway Servants, [1901] A. C. 426; and United States v. Coal Dealers' Assn., 85 Fed. Rep. 252; and concluded: In this action the writ of summons has been served upon the executive officer in Ontario of the defendants, the American Federation of Musicians. It is an international association, and exercises jurisdiction in Ontario