

under the authority of a special Act respecting the railway company, 48 Vict. c. 65(O.), s. 3, of which provide that it should be lawful for the corporation of any municipality through which any line of the railway had been constructed to exempt the company and its property within such municipality, in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment of all municipal rates. By a subsequent general enactment, 55 Vict. c. 60, s. 4(O.), it was declared that no municipal by-law thereafter passed for exempting any portion of the ratable property of a municipality from taxation, in whole or in part, should be held or construed to exempt such property from school rates. The general Act did not by express words repeal the special Act.

*Held*, that it did not effect a repeal by necessary implication—*generalia specialibus non derogant*.

*Held*, also, that there was nothing to shew that the sum which the railway company were to pay was not more than the school taxes which they would be liable to pay if they were not entitled to any exemption.

J. M. Glenn, K.C., and A. Grant, for plaintiff. W. B. Doherty, for defendants, the city corporation. D. W. Saunders, for defendants, the railway companies.

Boyd, C., Magee, J., Mabey, J.]

[May 1.

METALLIC ROOFING CO. OF CANADA v. JOSE.

*Labour union—Strike—Combined action—Intention to inflict damage actionable—Indorsement and aid of other association—Injunction.*

The members of a labour union in order to compel the plaintiffs (employers of both union and non-union men) to enter into an agreement whereby they would agree amongst other things to employ none but union men so long as the union was able to supply workmen, called the plaintiffs' workmen out on strike in the middle of a day's work, and thereafter sent letters to the plaintiffs' customers and others (most of whom employed union members) informing them that their men would refuse to handle any product of the plaintiffs as they were an unfair firm to organized labour, and published of the plaintiffs' goods that they