

defendants appear to have so behaved themselves that they became subject to prosecution for a breach of the peace, which took place in Cookridge Street, Leeds. The Prime Minister and the Hon. Herbert Gladstone were at the time of the alleged breach of peace, present at a meeting held in a building called the Colliseum, which opened into Cookridge St., but were on a platform sixty feet from a door with glass panels which opened into the street. A subpoena was issued to require their attendance as witnesses on the trial, and the present application was made on their behalf to set aside the subpoena on the ground that they knew nothing about the matter and their attendance at the trial would seriously interfere with their official duties as Ministers of the Crown. The application was granted without prejudice to the judge at the trial, ordering the attendance of the applicants if he should think it necessary.

TRADE UNION—PROCURING BREACH OF CONTRACT—BREACH OF
CONTRACT BY WORKMEN — PROCURING CONTINUANCE OF
BREACH.

Smithies v. National Association of Operative Plasterers (1909) 1 K.B. 310 was an action against a trade union for procuring a continuance of a breach of contract by the plaintiff's workmen. The facts, though exceedingly complicated, may be briefly stated as follows. Two workmen who were members of a trade union had entered into contracts with the plaintiff to serve him for a term of two years, and had broken their contracts by striking, together with others in the same employ, and continuing on strike during the periods they had respectively contracted to serve. The defendant trade union had originally sanctioned the strike in ignorance of the aforementioned contracts, but after they became aware of the contracts they continued to give the workmen strike pay, in order to keep them out on strike; and it was held by Lord Alverstone, C.J., who tried the action, that the union had thereby rendered themselves liable to the plaintiffs in damages for procuring a continuing breach of contract by the workmen in question, and on this point the Court of Appeal (Williams, Buckley and Kennedy, L.J.J.) agreed with him. He also held that an agreement having been made by the trade union with a federation of employers, including the plaintiff, for the reference of disputes between the employers and their workmen to arbitrators, a bona fide belief on the part of the defendants that the plaintiff was in-