

Meredith, J.]

[April 2.]

KRUG FURNITURE CO. v. BERLIN UNION OF AMALGAMATED WOOD WORKERS.

*Trade union—Inducing breach of contract—Interference with business—Pleading.*

Damages are recoverable against a trade union and the members thereof in an action by employers of workmen when by means of threats, abusive language, and a system of espionage the workmen are induced to break their contracts of employment with the employers and other workmen are prevented from entering into the employment in their stead.

It is too late at the trial after a trade union has appeared and pleaded in an apparently corporate capacity to raise the objection that it is not in fact incorporated or liable to be sued. Such an objection must be specially pleaded.

*Du Vernet*, and *Scellen*, for plaintiffs. *Maëc*, K.C., and *Clement*, for defendants.

Winchester, M.C.]

[April 4.]

CHANDLER AND MASSEY v. GRAND TRUNK R.W. CO.

*Parties—Joinder of defendants—Alternative claims—Con. Rule 186.*

A machine sold by the plaintiffs was burnt while in the premises of the defendant railway company at the place for its delivery to the purchaser. The plaintiffs brought this action against the railway company as carriers for the value of the machine and in the alternative against the purchaser for the price:

*Held*, that this could not be done, the relief claimed against the railway company being based on the assumption that the title to the machine was in the plaintiffs, and that against the purchaser on the assumption that title had passed to him.

*Quigley v. Waterloo Manufacturing Co.* (1901) 1 O.L.R. 606, and *Evans v. Jaffray* (1901) 1 O.L.R. 614, applied.

*D. L. McCarthy*, for defendant company. *W. A. Sadler*, for plaintiffs. *C. A. Moss*, for defendant Kerr.

Boyd, C.]

GRIFFITH v. HOWES.

[April 4.]

*Insurance—Life insurance—Benevolent society—Certificate—"Legal heirs designated by will"—Election.*

A certificate issued by a benevolent society to a married woman on the 25th October, 1892, provided that the benefit was to be payable to her "legal heirs as designated by her will." She died on the 14th of November, 1892, leaving her husband and three children her surviving. By her will,