

## TRADES UNIONS.

Those who are interested in the development of our law by judicial decisions will no doubt observe with some curiosity the result of the litigation now going on in reference to the liability of Trades Unions to suit.

At one time the law recognized only individuals, partnerships, and corporations as capable of suing and being sued; latterly individuals carrying on business under other names than their own have been permitted to sue, or be sued by such names, but that is merely the case of the individual suing or being sued by a name, which, for business purposes, he has chosen to make his own. Recent events have developed the fact that aggregations of men may band together in voluntary associations and be able as a matter of fact by their combined action to commit torts. To make all the individual members of such associations parties to actions in respect of such torts, would no doubt be a difficult, if not impracticable, task, and yet unless all be made parties how can the common property of the association be made answerable for the wrong complained of? Attempts have been made of late to introduce into this class of actions the principle of representation, and to sue some of the members as representing not only themselves but the whole association. It must be confessed that this is a somewhat novel application of the principle of representation, and yet unless some such means are found for effectually suing these voluntary associations there is danger that they may become privileged to do wrong without any liability to pay the penalty, which would not be for the well being of the community.

In the *Taff Vale case*, (1901) A.C. 426, the House of Lords determined that a registered union might be sued as a quasi corporation and that its funds might be made answerable for torts authorized by it through its executive officers. How far that decision is applicable in Ontario remains to be determined. The question has been recently before the Ontario Courts on questions of practice. In the *Metallic Roof Co. v. The Local Union*, 5 O.L.R. 424, a trade union, was sued *eo nomine* and service effected by suing one of its executive officers, and the service was set aside on the ground that the association not being a corporation could not be sued by the name of the association, it not being shown or suggested that the union was registered, or had any statutory