

to escape giving security or any later liability for costs. Here, if Carroll had been originally made a plaintiff, no order for security could have been made: *Sykes v. Sykes*, 4 C.P. 645. The decision in *Metallic Roofing Co. v. Jose*, 12 O.L.R. 200, shewed that, in the converse case, where the unions were the real defendants, all their property and assets were declared by the trial Judge to be "liable to satisfy the claim of the plaintiffs, against the defendants in the action, for damages and costs." This would seem to be a fortiori where the union is plaintiff, as in this case. That judgment was affirmed by the Court of Appeal, 14 O.L.R. 156—that part of it was specially affirmed. Here the union itself, being a plaintiff, must have been so made with the consent of the majority, if not the whole body, of the members, who in that case would, therefore, if necessary, be held liable for costs, under the recent decision in *Re Sturmer and Town of Beaverton*, ante 333, 613, 25 O.L.R. 190. Leave to appeal from this was refused: ante 715. Order to issue as originally made, adding Carroll as a plaintiff, and giving costs of the motion to the defendants only in the cause. J. G. O'Donoghue, for the plaintiffs. Irving S. Fairty, for the defendants.

---

BATHO V. ZIMMER VACUUM MACHINE CO.—MASTER IN CHAMBERS  
—APRIL 11.

*Particulars—Statement of Claim—Infringement of Rights under Patent for Invention—Postponement until after Discovery.*—This action was brought by a patentee, charging the defendants with manufacturing machines "upon the principle of or only colourably differing from the plaintiff's inventions." The defendants demanded particulars before pleading. Some were furnished. They now moved for more definite particulars of the alleged infringements. They said that the particulars given, namely, "All the machines manufactured or sold by the defendants infringe all the claims in the plaintiffs' patents," are too vague. Counsel for the plaintiff cited and relied on the following authorities as shewing that the particulars already given were sufficient at this stage to enable the defendants to know what was being complained of and to set up such defence as they thought adequate: *Frost on Patents*, 3rd ed., p. 396, and cases cited; *Russell v. Hatfield*, 2 Pat. Cas. 144; *Mandleberg v. Morley*, 10 Pat. Cas. 256. The Master said that he had examined these cases, and was of opinion that the