

for an interim injunction, restraining the use of any such imitation, more particularly a certain label containing the words "Issued by authority of United Garment Workers of Canada, General Executive Board, Registered."

The defendants were a manufacturing company carrying on business at London, Ontario. There was a Canadian trade union, to which certain garment workers belong; and there was an agreement between the defendants and that union under which the defendants were compelled to employ only members of the Canadian union and to affix to the garments manufactured the label of that union.

There appeared to be some conflict between the Canadian and American unions; and, at one time, there was an agreement between the defendants and the American union. This agreement was dated the 1st of April, 1911, and terminated in one year from that date; so that the defendants' obligation towards the American union ceased at the time this action was brought.

The notice of motion for the interim injunction was based upon an affidavit made by one Carroll, in which he said that the label which the defendants were using, and would continue to use, was a fraudulent imitation of the plaintiffs' union label. But, not content with this, it was sought to supplement the material by the depositions of the defendants "and such other persons as the plaintiff may be advised;" and in pursuance of this, the evidence had been taken of some eight persons, from which it abundantly appeared that the plaintiffs' design was to embark, under the colour of this motion for an interim injunction, upon a preliminary cross-examination of those whom they might anticipate would be hostile witnesses at a trial or upon a fishing excursion in which they will obtain discovery greater than that permitted by our practice, and which they might hereafter use, not merely in a contest with the defendants, but in a contest with the Canadian union.

In the course of this examination the plaintiffs desired to enquire fully into the organization, constitution, membership, financial position and domestic concerns of the rival union. Burgess had declined to produce this information and to permit the plaintiffs' counsel free access to the documents.

J. G. O'Donoghue, for the plaintiffs' motion.

C. G. Jarvis, for Burgess and the defendants.