

quarters at Cincinnati, Ohio, where its executive committee meet, although the members of its branches in Canada are ipso facto members of the federation. The persons who form the executive committee are few in number, and are the only persons whose acts effect local organizations in Canada, and in a proper case they might be made parties, if it should become necessary. But I do not think that a case has been made out justifying us in treating defendant Weber, who is the president, as sufficiently representing the whole of the local organizations, wherever situate, nor do I see the necessity for our making all the members of these associations parties to this action, which is what is asked for. In my opinion, therefore, this part of the order asked for should be refused, and only that part of it should be granted which directs that the individual defendants other than Weber may be sued and authorized to defend on behalf of all the members of the London Musical Protective Association other than Cresswell and the members of his orchestra (naming them).

The order of my brother Ferguson should, therefore, in my opinion, be varied to the extent necessary to carry these views into effect; and, as the success has been divided, there should be no costs of the motion to him or of the present appeal.

FALCONBRIDGE, C.J., and BRITTON J., concurred.

JULY 18TH, 1903.

CRESSWELL v. HYTTENRAUCH.

*Parties—Representation of Classes—Rule 200—Members of Unincorporated Voluntary Associations—Trades Unions—Local Organization—Members of Executive Committee—Ordinary Members Specially Interested—General Federation—Representation by President—Domestic Tribunal.*

Appeal by plaintiff from order of MACLAREN, J.A., in Chambers (ante 447) dismissing application by plaintiff for an order for representation of parties similar to that applied for in *Small v. Hyttenrauch*, supra.

This action was brought to restrain defendants from taking any further steps to dissolve or wind up the London Musical Protective Association, and from proceeding or conspiring together, in fraud of plaintiff's rights, to unlawfully exclude him from membership in that association and in the American Federation of Musicians. Plaintiff was a member of the local association, and by reason of such membership he was also a member of the American Federation of Musicians. He refused to break a contract to play for Small at the London opera house for the season of 1902-3, although ordered