

and refused. The judgment in that case, as affirmed by the House of Lords, was for an injunction and costs. Lord Lindley said he had no doubt that if the union could not be sued in its registered name some of its members (viz. its Executive Committee) could be sued on behalf of themselves and the other members of the society, and a judgment for damages could be obtained, in a proper case in an action so framed. And that if the trustees of the property of the union were made parties an order could be made in the same action for the payment by them out of the funds of the society of all damages and costs for which the plaintiff might obtain judgment against the union. He also remarked that a judgment against a trade union could only be enforced against the property of the union and that to reach such property it may be found necessary to sue the trustees. These observations are obiter, but they are made by a judge who is a distinguished authority on partnership and company law. His view would appear to be similar to that of the learned Chief Justice of the Common Pleas, namely, that in order to make any person individually liable for a judgment recovered in a representative action he must in some way be made an actual party to the proceedings. If the property of an union is sought to be made answerable then the trustees in whom that property is vested must be made actual parties defendant. But even in this view of the matter it appears to us that the garnishee proceedings in *Metallic Roofing Co. v. Local Union*, 10 O.L.R. 108, ought to have succeeded on the merits.

The application may have been defective for want of parties, but if so the proper parties should have been ordered to be notified. It would appear that the money in question was standing in a bank to the credit of "The Amalgamated Sheet Metal Workers' Union, No. 30. Alex. McKay, president, W. C. Brake, recording secretary, and R. Russell, treasurer," and to the credit of the defendant William Jose—all of these parties except McKay were actually named as defendants and ordered to pay the costs in question. And they were the parties who resisted the application to pay over. As far as they were concerned they had really no defence to the motion. Their objection really amounted