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A RECENT CONFLICT WITH LABOR.

The Gurney Foundry Company, of Toronto, has recently concluded a series of actions against its union employees, in which the company has apparently been entirely successful, and which has presented certain novel features of procedure on the part of the unions. Not being content with watching and besetting the Gurney factory so as to intimidate the remaining employees, and induce them also to desert, not being content either to adopt the other usual means of fighting, they endeavored to reach the Gurney company in a much more radical way, and thus compel it to capitulate.

The means adopted were to approach the dealers throughout the country who handled Gurney products, and by distributing among them circulars, placards, posters and other printed matter induce many of such dealers to cease buying Gurney's goods. This printed matter set out that the goods of this company were manufactured by incompetent workmen, that their goods were unfair, and so on, and, although fair comments in this way on the quality of goods made might not have been wrongful, yet the unions in this case did not stop at that, but inserted further libellous and damaging matter therein. The thing finally became so serious that the Gurney Foundry Company applied in the case of Gurney vs. McGlashan for an injunction restraining the further publication and dissemination of these practically trade libels, and at the same time asked damages for loss of business caused thereby.

This case finally reached trial in St. Catharines about June of the present year, and the jury found that the plaintiffs had been damaged, and assessed the damages at \$1,500 on this particular charge. The question of whether or not the legal responsibility for such damage could be fixed on the members of the union sued, and on the members themselves, was

reserved to be argued in Toronto, and this has not yet been done. It would appear, however, that in this case the Gurney company has been eminently successful, and as a result of this success another similar case which they were prosecuting concurrently with it, was disposed of without trial.

This case, Gurney vs. Emmett *et al* and the "Toiler" Publishing Company, was based on practically a similar set of facts, except that not only the workmen themselves, but the printing company which printed the circulars were asked to be enjoined. Profiting by the recent decision of the courts in the protracted struggle of the Metallic Roofing Company vs. United Sheet Metal Workers, in which the plaintiffs spent a couple of years before they discovered a legal means of suing the union at all, the Gurney company first obtained an order of the court allowing it to sue a series of individual members and officers of the union, "who were to represent and defend for themselves and for all other members of the trade unions and organizations to which they belong." A trade union not being a legal corporation or an individual, it was not a "persona" known to the law, and, therefore, could not be sued, until one of our judges discovered that our Ontario Judicature Act contained a rule allowing it to be sued in a representative action, and this method has now been adopted.

In this case also an injunction was asked restraining these wrongful acts, and the union finally consented to judgment being entered against it without trial, apparently profiting by its experience in the McGlashan case. The result of the action as far as the Gurney Foundry Company is concerned may be summed up in the judgment delivered by Mr. Justice Magee:

"This court doth order that the defendants be, and they are hereby restrained from issuing, publishing and circulating placards, posters, circulars,