

Mathers, J.]

COTTER v. OSBORNE.

[June 5.]

*Trades unions—Strikes—Combined action—Conspiracy to injure plaintiffs—Picketing and besetting—Injunction—Damages.*

The members of a labour union, in order to compel the plaintiffs, employers of both union and non-union men, to give them higher wages and other advantages, went on strike and took steps to induce the men who remained at work to come out, and to prevent others from entering into the plaintiffs' employment although they had contracted to do so. They had pickets watching the plaintiffs' shops and places where they had work to do, others to meet trains coming into Winnipeg from the East and persuade men coming to work for the plaintiffs to break their contracts, others to attend for a like purpose on the arrival of the trains, and others to talk to the men working on different jobs with the like object. All this was done pursuant to a determined conspiracy among the defendants for that purpose, and it had proved effectual until the issue of an interim injunction in this action forbidding it. There was no evidence of threats or intimidation by any of the defendants, except that in one instance a workman who continued to work was threatened with violence by one of the defendants if he did not quit working.

*Held*, 1. Whilst workmen have a right to strike, and to combine together for that purpose in order to improve their own position, provided the means resorted to be not in themselves unlawful, yet the defendants had no right to induce other workmen, who were not members of the union and who desired to continue working, to leave their employment, or to endeavour to prevent the plaintiffs from getting other men to work for them, and for that purpose to watch and beset the places where the men happened to be, or to induce the plaintiffs' men to break their contracts with the plaintiffs, as these are actionable wrongs, and picketting and besetting are expressly made unlawful by s. 501 of the Criminal Code. *Lyons v. Wilkins* (1899), 1 Ch. 255, and *Charnock v. Court* (1899), 2 Ch. 35, followed.

2. The defendants who had participated in or counselled or procured the acts condemned were each individually liable for the whole amount of the damages suffered by the several plaintiffs in consequence of those acts: *Krug Furniture Co. v. Berlin Union*, 5 O.L.R. at p. 469, but not for any damages caused by