

an order that they and the other members of a class for which they have been authorized to defend, shall pay it." The learned Chief Justice intimates that the court may be enabled in such a suit to pronounce a judgment which will find the property of the persons responsible, but how it is to be done, he does not explain. His reasons for allowing the appeal would appear to shew that all such actions are really futile, and that the order for representation is really a delusion and a snare and accomplishes nothing effective, and is merely a prelude to endless litigation; for if the parties ordered to be represented are not bound by an adjudication as to costs, it is hard to say how they could be bound by an adjudication as to damages. According to his view because they were not actually parties they were not liable to execution. The inference from his judgment appears to be, therefore, that after judgment has been obtained, then all the members of the union against whom execution should be desired, or interested in property sought to be made liable to answer the judgment, would have to be first made parties. For this the proceedings by *sci. fa.* in the case of shareholders seems to furnish some analogy.

This may possibly be the "something more" to which the learned Chief Justice refers. The parties represented are bound as the shareholders of a company are bound by a judgment against the company, but before they can be individually compelled to pay or their property be attached to answer the damages or costs, it would seem as if they must be individually brought before the court and called on to shew cause why execution should not issue against them for damages and costs incurred in the action in which they have been represented as defendants. If such is the procedure the learned Chief Justice contemplates as necessary before any person, not actually a party, can be made answerable, it will be seen that any attempt to make a trade union or its members individually liable for wrongs perpetuated by the union will generally involve an intricate, protracted and costly litigation.

In the *Taff Vale Railway* case, *supra*, the trade union was made a defendant, and an application to strike out its name was made,