

Richards, J.]

[August 25.]

VULCAN IRON WORKS, LIMITED v. WINNIPEG LODGE, No. 122,
INTERNATIONAL ASSOCIATION OF MACHINISTS ET AL.

*Pleading — Demurrer — Trade unions — Abstract declaration
as to hypothetical rights of workmen on strike—King's
Bench Act, s. 38(c)—Criminal Code, 1892, s. 523.*

The statement of claim alleged that the plaintiffs were iron-mongers and manufacturers employing a large number of workmen; that the defendants, being certain unregistered trade unions and individuals, with a view to compel the plaintiffs to carry on their business in a manner required by the defendants or some of them, conspired to induce workmen to leave the plaintiffs' employ, and to prevent others from entering it, and, in order to carry out those objects, conspired to beset and did beset the plaintiffs' place of business, and by threats and otherwise induced workmen to leave the plaintiffs' employ and hindered others from entering it.

In defence the individual defendants pleaded in part:

1. That they had not been guilty of any improper conduct.
2. That they were workmen and had entered into a trade combination with other workmen in the same trade for regulating and altering the relations between such workmen and their employers, and claimed the right to participate in a strike for the furtherance of such interests, so long as it did not involve the breach of any contract, and that, during the continuance of such strike, they might take such steps as are reasonable to ascertain how such strike was affecting the employers, the quantity of work turned out, and the number of men employed, including attending in the vicinity of the place of business of such employers merely for such purpose and also for the purpose of ascertaining if their fellow-members are faithful to the objects of the combination.
3. That they had the right to call at the homes of other workmen of the same craft to endeavour to persuade them to join the union, so long as it is done peaceably and without doing anything to interfere with the perfect exercise of free will on the part of such other workmen, and even though a strike had been declared against the employers of such other men.
4. That they desired a declaration by the Court as to their rights above claimed, "understanding that the plaintiffs herein deny that such rights exist. In asking such declaration, such