

this application will be costs in the appeal against Messrs. King and Johnson. I extend for one month from this date the time for serving notice of appeal and giving security in the case of both appeals.

This memorandum will form part of the appeal case.

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JANUARY 23RD, 1905.

C.A.

METALLIC ROOFING CO. OF CANADA v. LOCAL UNION No. 30, AMALGAMATED SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION.

*Writ of Summons—Service—Unincorporated Foreign Voluntary Association—Trade Union—Service upon Person in Ontario—Incapacity of Association—Parties—Action for Tort—Representation of Classes—Rule 200—Members of Association—Parent Society and Local Branch—Officers.*

Appeal by plaintiffs from order of a Divisional Court (MEREDITH, C.J., MACLAREN, J.A.), reported 5 O. L. R. 424, 2 O. W. R. 183, setting aside service on the Amalgamated Sheet Metal Workers' International Association, added as defendants by an order in Chambers not appealed against, by serving defendant J. H. Kennedy for the association. The Divisional Court held that the association, not being a corporation, individual, partnership, nor a quasi-corporate body, could not be so served. The plaintiffs also appealed from an order of MACMAHON, J., 2 O. W. R. 819, refusing to allow representation of the association by individual defendants. Defendants cross-appealed from the same order of MACMAHON, J., in so far as it allowed representation of the local union by individual defendants.

W. N. Tilley, for plaintiffs.

J. G. O'Donoghue, for defendants.

The judgment of the Court (MOSS, C.J.O., OSLER, MACLENNAN, GARROW, J.J.A., TEETZEL, J.), was delivered by

OSLER, J.A. (after stating the facts):—The questions raised by the appeal are: (1) whether the Local Union No. 3, A. I. A., and the A. I. A. are corporations or quasi-corporations or partnerships and capable of being sued and served with process as such in the ordinary way; and, if not,