

diction in a representative action under Rule 200. The action accordingly proceeded and a judgment for a large amount was recorded, but was subsequently set aside by the Judicial Committee of the Privy Council: *Jose v. Metallic Roofing Co.* (1908) A.C. 514, and a new trial ordered on the ground of misdirection. The case, we believe, was subsequently compromised; but the difficulty in the way of the plaintiffs collecting the judgment, if it had been upheld, was shewn by their unsuccessful effort to collect certain costs which were ordered to be paid them in the course of the action. Both unions and certain members of the unions were named as defendants and by an order of the court those named were ordered to represent all other members of the unions. The defendants were ordered to pay the costs of an unsuccessful appeal, and not having paid them the plaintiffs obtained an attaching order against certain moneys in a bank to the credit of one of the unions and officers of the union, but on an application to pay over the Master in Chambers refused the order; he was reversed by Anglin, J., who in turn was reversed by a Divisional Court (Meredith, C.J.C.P., and Britton, and Teetzel, JJ.). The learned chief justice who delivered the judgment of the court said: "The members of the Local Union, other than those named as defendants are not parties to the action; they are represented no doubt, by the members who are defendants, and will be bound by whatever judgment may be ultimately pronounced as if they had been named as parties defendants, and as I have said that being the case *the court may be enabled to pronounce a judgment which will render the property of the Local Union answerable for the judgment debt and costs* if the respondents shall succeed in the action; but I am unable to understand how A., B. and C., being defendants and an order having been made that they shall represent all other members of a class, an order that the defendants shall pay money, whether it be for damages or costs, without more, can be enforced by execution, or process in the nature of execution, against the property of anyone but A., B. and C. In other words, how an order that A., B. and C. shall pay money, can be treated as