

WINCHESTER, Master.

SEPTEMBER 9TH, 1902.

CHAMBERS.

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

*Parties—Unincorporated Voluntary Association—Motion to Strike
 out Name—Injunction—Trial.*

Motion by the defendant association for an order striking their name from the style of cause and dismissing the action against them, on the ground that they are not an incorporated body, nor are they registered under or by virtue of any law in force in Ontario, but are a voluntary association of sheet metal workers, residing and working in Toronto.

The action was brought in connection with a strike of the employees of the plaintiff company, and was for an injunction to restrain the defendants from unlawfully interfering with the plaintiffs' business, and for damages

J. G. O'Donoghue, for applicants.

W. N. Tilley, for plaintiffs.

THE MASTER.—The same objection was raised in Massey-Harris Co. v. Woodward, brought under circumstances similar to those in question herein. In delivering judgment in that action on the 20th March, 1900, Mr. Justice Meredith said:—"A great deal was upon the argument said on the question of the legal status of the union, but that is a matter which can also be better dealt with at the trial, where much more light can be thrown upon the subject. Prima facie the union has some legal existence; a name indicative of such is used by its members; it has a constitution and by-laws; it was formed under a charter of the Iron Moulders' Union of North America, issued under what seems to be the common seal of that body, of which the union in question is apparently a part, and has a full set of company officers. One naturally thinks that the larger body at all events must be incorporated somewhere, or otherwise have some legal existence and capacity (though not yet parties to the action); and it ought not to be difficult to throw a great deal of light upon this question at the trial; very little seems to have been yet afforded, though it seems difficult to perceive anything in the way of making the question plain."