

KING'S BENCH.

Mathers, J.]

[March 19.

VULCAN IRON WORKS CO. v. WINNIPEG LODGE NO. 174.

Trades unions—Strikes—Combined action—Conspiracy to injure employers—Picketting and besetting—Damages—Injunction—Principal and agent—Criminal Code, s. 523.

Held, 1. Besetting and watching the premises of an employer by members of a trades union, if done in concert with a view to compel the employer to change the mode of conducting his business and to comply with their demands for better pay by persuading men not to work for him or to seek employment from him, especially when accompanied by some attempts at intimidation by threats of violence, amounts to a common law nuisance punishable in damages. *Lyons v. Wilkins* (1899) 1 Ch. 255 and *Cotter v. Osborne*, 18 M.R., 44 C.L.J. 508, followed.

2. Such besetting and watching may be wrongful under s. 523 of the Criminal Code, although done merely to obtain or communicate information.

3. When a body of men unite to perform an act or to accomplish a purpose, leaving it entirely to the discretion of those they employ as to the means they shall make use of, all must be responsible for the acts of each individual thus employed and they cannot evade responsibility by saying that what was done was without instructions, so that where a number of the defendant lodges appointed a strike committee and afterwards recognized such committee and its transactions, the lodges were held liable as well as the individuals for the illegal acts committed by the pickets acting under the instructions of the strike committee, although there was no proof of any resolutions or formal acts of the lodges authorising such conduct. *Giblan v. National Amalgamated* (1903), 2 K.B., at p. 624 followed.

4. The receipt of strike pay by a lodge from its grand lodge and the subsequent payment of same to its men will not of itself make the lodge liable for past illegal acts committed by its members without its authority. *Denaby v. Yorkshire* (1906) A.C. 384 followed; *Smithies v. National Assn. of Plasterers*, 25 L.T.R. 205, distinguished.

5. Damages should be awarded against the defendants found guilty for inducing the boiler makers union to employ its coercive machinery and power to compel a number of its members