

is costs reasonably incurred to allow one manuscript copy for the use of the Court. There is some inconvenience in four Judges having to make use of one and the same copy, but then we agree to submit to that when we dispense with printing. But it is useful to have one copy rather than the Sheriff's notes. One of the Judges may read it, and if he thinks necessary hand it on for perusal to the others. We only then require one copy. I regard it, then, as a matter reasonable, and not touched by the Act of Sederunt.

LORDS CRAIGHILL and RUTHERFURD CLARK concurred.

The Court approved of the Auditor's report.

Counsel for Pursuer—Ure. Agents—Dove & Lockhart, S.S.C.

Counsel for Respondents—James Reid. Agents—Webster, Will, & Ritchie, S.S.C.

Thursday, July 2.

## SECOND DIVISION.

GILLON v. RAMAGE & FERGUSON.

*Process—Issue—Reparation—Master and Servant.*

Form of issue *adjusted* in an action of damages for personal injuries (laid at common law and under the Employers Liability Act 1880, 43 and 44 Vict. cap. 42) where the pursuer averred that he had been injured at defenders' works through their fault while in the employment either of the defenders, or of certain contractors who were carrying on their work in the defenders' works.

This was an action of damages for personal injuries. The pursuer averred that while in the employment of the defenders, within their ship-building-yard at Leith, or in the service of two parties named who had contracted with the defenders for the rivetting of a ship in process of construction, he was injured by the fall of certain iron plates, which took place in consequence of either the defective condition of the barrel of the winch by which they were lowered into the hold of the vessel, and which was supplied by the defenders, or of an improper mode of carrying on the work. The defenders denied that the pursuer was in their employment, that the winch was defective, or that their mode of work was improper, and averred that the pursuer was in the employment of independent contractors, the parties named.

The action was laid alternatively at common law and under the Employers Liability Act 1880, was raised in the Sheriff Court at Edinburgh, and was appealed by the pursuer to the Court of Session for trial by jury.

The pursuer proposed this issue—"Whether the pursuer while working in the defenders' works, Leith Docks, was on or about the 10th day of February 1885 injured by the fall of certain plates through the fault of the defender, to the loss, injury, and damage of the pursuer."

The defenders objected to this issue, and con-

tended that it should read—"Whether the pursuer, while working in the employment of the defenders, in their works at Leith Docks," &c. They cited *Morrison v. Baird & Co.*, Dec. 2, 1882, 10 R. 271.

The Court, in respect of the alternative averments by the pursuer of his having been in the employment of the defenders, or of the alleged independent contractors, approved of the issue as proposed.

Counsel for Pursuer—Guthrie Smith—A. S. Thomson. Agent—Walter R. Patrick, Solicitor.

Counsel for Defenders—A. T. Young—Orr. Agents—Adam & Winchester, S.S.C.

Friday, July 3.

## FIRST DIVISION.

[Lord Lee, Ordinary.]

AITKEN v. ASSOCIATED CARPENTERS AND JOINERS OF SCOTLAND.

*Statute 34 and 35 Vict. cap. 31 (Trade Union Act 1871).*

Section 4 of the Trade Union Act 1871 provides:—"Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely, . . . any agreement for the application of the funds of a trade union . . . to provide benefits to members."

An action was brought against a society of the nature of a trade union, concluding for reduction of a resolution of the society by which the pursuer was expelled, for decree of declarator that he was still a member and entitled to all the rights, benefits, and privileges of membership, and that he had been unlawfully expelled, and that the defenders were liable in damages, and concluding for £500 as damages. The Court *dismissed* the action on the ground that under section 4 of the statute it could not be maintained in a court of law.

This action was raised by Thomas Aitken, joiner, Maxwelltown, Kirkcudbright, against the Associated Carpenters and Joiners of Scotland, of which society he was a member, and against James Beveridge, 263 Argyle Street, Glasgow, the general secretary of the society, as representing and acting for and on behalf of the society. The pursuer sought to reduce (1) a minute or resolution alleged to have been made and passed by the Edinburgh (United) Branch of the Associated Carpenters and Joiners of Scotland, declaring a previous proposition to be carried, whereby a fine of £5 sterling was imposed on the pursuer for an alleged contravention of the rules of the society; and (2) a minute or resolution alleged to have been made and passed by a vote of the said Associated Carpenters and Joiners of Scotland, by which the pursuer was deprived of membership of the society. The summons further