

of trade unions is one largely due to the action of the courts themselves. *Thomas v. R.R. Co.*, 62 Fed. Rep. 817; and the Court of Appeals of the State of New York held in the case *Curran v. Galen*, 152 N.Y. 33, "the organization or corporation of workmen is not of itself against any public policy, and must be regarded as having the sanction of law, when it is for such legitimate purposes as that of obtaining an advance in the rate of wages or compensation, or of maintaining such rate." And a by-law fixing the wages at which the members of a trade union shall work and giving an action for a penalty, is valid. *Stevedores v. Walsh*, 2 Daly (N.Y.) 1, and it also has been held to be not illegal for workmen to form an association and agree in furtherance of its object not to teach others their trade unless

- by consent of the association. *Snow v. Wheeler*, 113 Mass. 179.

Turning to the consideration of the means by which a labour combination may lawfully inflict damage upon an opponent, it is very plain that if the damage is the result of the exercise by the members of the labour union of rights which they possess as individuals, no legal wrong is done. The law takes no cognizance of every wrong which may be inflicted, because it invests men with certain absolute rights, and if by the exercise of these rights other men suffer, it is an unfortunate consequence which must be borne without complaining. This leads to the consideration of what absolute rights labourers as members of trade unions enjoy. The first right, to strike, is naturally the result of the control of their own labour. However slow the law of England may have been to recognize the rights of labourers, it is now well settled there and established in the United States, by the fundamental law, that a labourer may, with or without reason, decline to work for anyone or with anyone, and the damage which such person may sustain as a result is immaterial, for the right of the labourer to withhold his labour is absolute, and is not qualified by whatever the effect of the exercise of this right may have upon others, or even by the fact that an injury was contemplated or intended. If one labourer enjoys this right he does not lose it when acting with others, hence it follows, that a strike, that is the simultaneous refusal to work by a body of