

members of a Workingman's Assembly, Knights of Labor, which had an agreement with a Brewing Association, composed of the brewing companies, that all their employees should be members of the assembly, and that no employee should work for a longer period than four weeks without becoming a member; that what the defendants did in obtaining the plaintiff's discharge was as members of the assembly and in pursuance of this agreement, upon his refusing to become a member.

Plaintiff demurred to this defence, and it was held that the same was insufficient in law, and that the demurrer should be sustained. The Massachusetts case above referred to concerned a controversy between an employer and employees. The New York case affects the right of an employee himself as against a Workingman's Assembly; but the same fundamental principle underlies both decisions. The following language from the opinion of the New York Court of Appeals felicitously presents the claim of individual liberty, which, as above intimated, everything in the nature of a boycott tends to subvert:

"Every citizen is deeply interested in the strict maintenance of the constitutional right freely to pursue a lawful avocation, under conditions equal as to all, and to enjoy the fruits of his labor, without the imposition of any conditions not required for the general welfare of the community.

"The candid mind should shrink from the results of the operation of the principle contended for here; for there would certainly be a compulsion, or a fettering, of the individual, glaringly at variance with that freedom in the pursuit of happiness which is believed to be guaranteed to all by the provisions of the fundamental law of the State. The sympathies, or the fellow feeling which, as a social principle, underlies the association of workingmen for their common benefit, are not consistent with a purpose to oppress the individual who prefers by single effort to gain his livelihood. If organization of workingmen is in line with good government, it is because it is intended as a legitimate instrumentality to promote the common good of its members. If it militates against the general public interest, if its powers are directed toward the repression of individual freedom, upon what principle shall it be justified?"—*N. Y. Law Journal*.