

sent law of England, with the exception above stated, a strike or lock-out, even if it involves a breach of contract, is not criminal, unless it is attended by other acts which are criminal, per se.

A trades union or labour organization as now understood and considered, is a corporation of workmen having for its object the improvement of their industrial condition. It may consist of a few labourers with a mutual or common understanding with reference to a single purpose, or perhaps a formal organization with a large membership, widely scattered, but in both instances the status under the law is the same. Its compactness in the one case, nor its extensiveness in the other, give it, nor subject it, to no unusual or peculiar rights or liabilities.

Whether a combination of this character, or either of them, was ever criminal, per se, is a question that has never been satisfactorily or definitely settled.

In an early decision in 1721 defendants were indicted for conspiracy to raise their wages by a pre-arranged plan not to work. An objection was raised, arresting judgment, that the defendants were not compelled nor obliged to work, and in answer the court said, it is reported, that they were indicted for conspiracy and not for refusing to work, and that a conspiracy of any kind was illegal even if the subject-matter of the conspiracy was lawful for them, or any part of them, to do in the absence of conspiracy to do it. *Rex v. Journeymen Tailors*, 8 Mod. 11. The authority of this case has been questioned on account of the notorious inaccuracy of the reporter and the case, as stated, has certainly little to recommend it. See *Stevendores v. Walsh*, 2 Daly (N.Y.) 1. What one man may lawfully do in pursuance of a legal right, more than one may do together. The number who unite to do an act cannot change its character from lawful to unlawful. To constitute a criminal conspiracy the agreement must have in mind the doing of something illegal as a means or as an end. As to conspiracy of trade unions or labour combinations in England, see Conspiracy and Combinations Act, 1875, (38 and 39 Vict. c. 86), for the full text of which see note in *Gibson v. Lawson*, [1891] 2 Q.B. 549.