

but the exercise of free will and freedom of action, within the limits of the law, is also secured equally to the masters. The intention of the law is, at present, to allow either of them to follow the dictates of their own will, with respect to their own actions, and their own property, and either, I believe, has a right to study to promote his own advantage, or to combine with others to promote their mutual advantage."

The organization of the local assembly in question by the workingmen in the breweries of the city of Rochester may have been perfectly lawful in its general purposes and methods, and may otherwise wield its power and influence usefully and justly, for all that appears.

It is not for us to say, nor do we intend to intimate, to the contrary; but so far as a purpose appears from the defence set up to the complaint that no employee of a brewery company shall be allowed to work for a longer period than four weeks, without becoming a member of the Workingmen's Local Assembly, and that a contract between the local assembly and the Ale Brewers' Association shall be availed of to compel the discharge of the independent employee, it is, in effect, a threat to keep persons from working at the particular trade, and to procure their dismissal from employment. While it may be true, as argued, that the contract was entered into on the part of the Ale Brewers' Association with the object of avoiding disputes and conflicts with the workingmen's organization, that feature and such an intention cannot aid the defence, nor legalize a plan of compelling workingmen, not in affiliation with the organization, to join it, at the peril of being deprived of their employment and of the means of making a livelihood.

In our judgment, the defence pleaded was insufficient, in law, upon the face thereof, and, therefore, the demurrer thereto was properly sustained.

The judgment appealed from should be affirmed, with costs.

All concur, except Haight, J., not sitting.

COERCION THROUGH PROCURING DISCHARGE FROM EMPLOYMENT.

We believe that the quite decided weight of opinion, in the profession and outside of it, has approved of the decision of the Supreme Court of Massachusetts in *Vegelahn v. Guntner*, 44