

Thurston & Viau.—Heard. C.A.V.

Racine & Morris.—Heard. C.A.V.

Chapman & La Banque Nationale.—Heard. C.A.V.

Dean & Drew.—Heard. C.A.V.

Wednesday, September 26.

Bonneau & Circé.—Motion to complete security, granted.

Howard & Yule, & Riddell & Bertrand.—Heard on petition for leave to appeal from interlocutory judgment. C.A.V.

Stefani & Monbleau.—Application for precedence; action to quash license certificate granted by Council of Town of St. John's. Granted.

Jones & Fisher.—Heard. C.A.V.

Thursday, September 27.

Senécal & Beet Root Sugar Co.—Motion to have the record sent down, rejected.

Martin & Labelle.—Motion for suspension of proceedings until the instance be taken up by the *cessionnaire* of the respondent, rejected.

Roch & Corporation de la paroisse de St. Valentin.—Petition to have record completed, rejected.

Canada Shipping Co. & Mitchell.—*Délibéré* discharged.

Canada Printing Co. & Globe Printing Co.—*Délibéré* discharged.

Boyer & Normandin.—Petition for leave to appeal from interlocutory judgment rejected.

Beauchamp & Champagne.—Judgment confirmed, each party paying his own costs of *enquête* and printing depositions, except as to the first three witnesses.

Thurston & Viau.—Judgment confirmed.

Pickford & Dart.—Motion that the leave granted to appeal to Privy Council be revoked. Motion rejected without costs.

Montreal Street Railway Co. & Ritchie.—Motion to reduce the amount of the security. C.A.V.

Hobbs & Montreal Cotton Co.—Appeal dismissed for not proceeding within the year.

Fletcher & Mackay.—Do.

Whitfield & Atlantic Railway Co.—Do.

Legris & Fulham.—Do.

Dufresne & Paré.—Do.

Galbraith & Saunders.—Do.

Scott & Chapman.—Do.

The Queen v. Sheriff.—Two reserved cases. No. 84, conviction maintained. No. 85, conviction quashed.

The Court adjourned to Nov. 16.

THE LEGALITY OF COMBINATION.

The spirit of the times is steadily pressing on the courts questions, in various forms, of the first importance to the prosperity of the country and the welfare of society growing out of the great advances made in the art of organization. It is beyond our function, of course, to discuss the political, economic or social bearings of these questions. On those aspects, opinions differ in our profession as in others. But the legal principles involved and the progress of judicial discussion and decision upon them are of equal interest to all the profession of whatever opinions.

In the present stage of the forensic discussion of this subject, the situation seems to be fairly stated thus: In the name of the interests of labor it is claimed in various forms, and particularly by those engaged in the organization of labor, that combinations of men for the purpose of increasing the price of labor are lawful; but that combinations of men for the purpose of increasing the price of commodities produced by labor are not lawful. In effect this is to say that combinations tending to increase cost price are legal: combinations tending to increase selling price are not legal, unless within the category of combinations to increase cost price.

On the other hand, it is claimed in the interest of capital, though perhaps with less distinctness,—and to a great extent the claim is not so much in words as implied in conduct—that combinations of men to increase wages, although conceded to be lawful (when not carried to the point of violence or intimidation), are unlawful if resorting to intimidation in any form or to boycotting; and that if they transcend that limit, even to go so far as a peaceful, concerted refusal to deal with those whom it is sought to influence unless they will yield, they are illegal; but, at the same time, that combinations of men to increase the selling price are not rendered unlawful even by refusal to sell to those whom