

that a combination of trades in their own interests is not actionable merely because it happens to affect other trades adversely, although the agreement may be unenforceable as between the parties to it because in restraint of trade. It was decided in the *Mogul* case, [1892] App. Cas. 25, that the courts had power to grant injunction or award damages against trade unions, in respect of breach of contract wrongfully procured by the acts of members or officials with the authority of the union. *Quinn v. Leatham*, [1901] A.C. 495; *Denaby Collieries, Ltd. v. Yorkshire Miners' Association*, [1906] A.C. 384. It was also held in the *Quinn* case, *supra*, that a combination to injure might be actionable, whether the acts of an individual were or not. The opinion expressed in the *Quinn* case, *supra*, that conspiracy and damage gave a cause of action even though the same acts by a single person would not be actionable has been over-ridden by section 3 of the Trade Disputes Act, 1906, which provides that an act done by a person in contemplation or furtherance of a trade dispute, shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business or employment of some other person or within the right of some other person to dispose of his capital or labour as he wills. See *Conway v. Wade*, [1908] 1 K.B. 844.

In regard to the quasi-corporate liability of trade unions and their funds for tort, or for procuring breach of contract, the decisions in the *Taff Vale R. Co. v. Amalgamated Society*, [1901] A.C. 426, in *Quinn v. Leatham*, [1901] A.C. 495, *Gibbons v. Labour Unions*, [1903] 2 K.B. 600, *Reade v. Stonemasons*, [1902] 2 K.B. 732; *The South Wales* case, [1905] A.C. 239, which latter case is known as "The Stop Day Case," were absolutely over-ridden.

By section 4 of the same Act, which provides an action against a trade union, whether of the workmen or masters, or against any members or officials thereof, on behalf of themselves or all other members of the trade union in respect of any tortious act, alleged to have been committed by, or on behalf of the trade