

as they, being combinations, were in restraint of trade and also contained clauses making certain acts criminal.

From 1871 to 1906 Acts were passed which were either modified or repealed, until "The Trade Disputes Act, 1906," was enacted, and which provided that it and the Acts of 1871 and 1876 together could be cited, as the "Trade Union Acts of 1871 in 1906," and which embraces at this time all the statutory laws of England touching trade unions.

Two trite and pertinent questions arise in the consideration of all the above statutes as to reasons for their enactment. The "Molestation and Obstruction Act" of 1825, made lawful any peaceful persuasion to induce workmen to abstain from working in order to raise wages. Was this enactment absolutely necessary to validate such a purpose because the same persuasion under the common law was unlawful? And was the Act of 1871, as to punishment of members of a trade union, enacted to change a different rule under the common law?

From the rather complex and involved legislation of to-day in England, it is hard to arrive at a correct estimate of the nature and character or status of these unions in that country. Their position in the political fabric seems, to say the least, rather anomalous. In the *Taff Vale* case, *Taff Vale R. Co. v. Amalgamated Society*, [1901] 1 K.B. 170, in discussing the Trade Union Act of 1871, Farwell, L.J., says: "A trade union is neither a corporation nor an individual nor a partnership between individuals. It is an association of men which almost invariably owes its legal character to the Trade Unions Act, 1871-1876, and the legislature in giving a trade union the capacity to act, by agents, has, without incorporating it, given to it one of the essential qualities of a corporation." See the same case in appeal, [1901] A.C. 426.

Previous to 1906 it was clearly unlawful for a trade union or its officers, to induce, persuade, or procure workers to break contracts with their employers. This was distinctly held in *Quinn v. Leatham*, [1901] A.C. 495, and in *South Wales Miners v. Glamorgan Coal Company*, [1905] A.C. 239. The latter case