

tation; that for a loss occasioned by the refusal of the company's servants to do their duty, the company is responsible; but for a delay resulting solely from the lawless violence of men not in its employ, the company is not responsible." In this case, the court held plaintiff was not entitled to recover, as it appeared from the evidence upon the trial that but a small portion of the strikers had been in the employ of the defendant company, and that they left their employment and joined the strike, and the great body of the strikers were men not in the employ of the company.

In *Pittsburg, Fort Wayne & Chicago R. Co. v. Hazen*, 15 Am. Rep. 222, the rule was laid down that a common carrier is excused for delay in the carriage of goods when the delay is caused solely by the violent and irresistible interference of strikers recently discharged from the carrier's employment, and it was stated that for a delay resulting from the refusal of the employees of the carrier to do duty, the carrier is liable.

In *Pittsburg, &c., R. Co. v. Hollowell*, 32 Am. Rep. 63, an action against a common carrier for delay in receiving and carrying live stock, the defendant answered that the delay was caused solely by reason of the fact "that although the defendant was prepared to receive and carry goods, an armed multitude of people in rebellion against the laws of the state, which neither the defendant nor the civil authorities of the state was able to control, by force and arms drove away the engineers and firemen operating the defendant's engines and cars, thus preventing defendant from receiving and carrying plaintiff's live stock." On demurrer the answer was held sufficient. The reply alleged that the "cause of such pretended insurrection was an unjust and oppressive reduction by the defendant of the wages of its employees, which induced them to strike and refuse to work, and to assemble in a peaceable body to demand a restoration of their former rate of wages, but without offering any resistance to the civil authorities;" and this was held insufficient, as was also a reply alleging that "such insurrection was composed solely of employees of the defendant, who peaceably and without arms or violence, and on ac-

count of an unjust and oppressive reduction by the defendant of their wages, refused to continue in the defendant's employ until their former rate of wages was restored, and who had peaceably assembled in a small body to petition therefor."

The most serious aspect of the strikes is the interference of the strikers with the rights of their employers, and their attempts to prevent and obstruct the employment of labor. The courts have held that such interference is unlawful, and that employers are entitled to be protected from acts of violence or threats of intimidation.

In an action for an illegal arrest (N. Y. City Ct., 18 C. L. J. 200), where defendant had arrested the plaintiff, a striking cigarmaker doing picket duty, for intimidating another maker from going to work, the court charged the jury as follows: "An orderly body of men have the legal right to meet and discuss any question concerning their social or pecuniary welfare, and take any action in respect thereto which they deem beneficial, so long as it does not involve or tend to create a breach of the public peace; that the plaintiff had the legal right to decline to work for his employer, unless the latter consented to pay the wages the former demanded; that he had the right to invite others to join him in the course he had determined to pursue, to accost workmen in the street or elsewhere, and invite them to follow his example, or join the union; and if, in the exercise of these rights, he was wrongfully assaulted and maltreated by the defendant, he is entitled to a verdict in such sum as will compensate for the wrongs done. But if he undertake to enforce his rights in an illegal manner, and used violence, or threatened workmen who declined to think and act as he did, the defendant, as a police officer had the right to protect the workman so threatened, and had the power to prevent any threatened breach of the peace, and to use whatever force was necessary to accomplish this object. But if the officer used unnecessary violence, he is liable therefor as an abuse of authority." — *Weekly Law Bulletin*.