

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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TRADE UNION—PICKETING—"WATCHING AND BESETTING"—"WRONGFULLY AND WITHOUT LAWFUL AUTHORITY"—INJUNCTION—CONSPIRACY AND PROTECTION OF PROPERTY ACT, 1875 (38 & 39 VICT., c. 86), ss. 3, 7—(CR. CODE s. 523 (f)).

Lyons v. Wilkins (1899) 1 Ch. 255, is an old friend, having been previously reported on the appeal from the granting of an interlocutory injunction (1896) 1 Ch. 811, (see ante vol. 33, p. 546). The action was brought by the plaintiffs to restrain the defendants, members of a trades union, from watching and besetting the works of the plaintiffs, and also the works of a third person who worked for the plaintiffs, for the purpose of persuading workpeople, and such third person, to abstain from working for the plaintiffs. The action was tried in November, 1897, before Byrne, J., who postponed his decision until the judgment of the House of Lords in the celebrated case of *Allen v. Flood* (1898) A.C. 1, was given, when, notwithstanding that decision, he gave judgment in favour of the plaintiffs, making the injunction perpetual, restraining the defendants from watching and besetting the plaintiff's premises for the purpose of persuading, or otherwise preventing, persons working for them, or for any purpose except merely to obtain or communicate information; and also from watching or besetting the premises of the third person for the purpose of persuading or preventing him from working for the plaintiffs, or for any purpose except merely to obtain or communicate information. This judgment the Court of Appeal (Lindley, M.R., and Chitty and Williams, L.JJ.) affirmed. It was argued, on the appeal, that the "watching and besetting" were not "wrongful and without lawful authority," and were, therefore, not illegal, but this objection was overruled, though the members of the court differ slightly in their reasons for arriving at their conclusion. A point was also made that the watching and besetting of the third person's premises gave the plaintiffs no right of action, but the Court of Appeal were agreed that a person in the position of the third person was as much within the Act as the employer himself.