

upon a case stated by magistrates upon a prosecution under the same statute. Section 7 provides that "every person who with a view to compel any other person to abstain from doing, or to do any act which such other person has a legal right to do, or abstain from doing, wrongfully and without legal authority, (1) uses violence to or intimidates such other person, or his wife, or his children, or injures his property . . . shall, on conviction, be liable," etc. In this case the appellant and respondent were workmen in the same yard and were members of different trade unions. The trade union to which the respondent belonged resolved to strike if the appellant did not leave the union to which he belonged and join the respondent's union. The respondent informed the appellant of this resolve without using any threat of violence to the appellant's person or property in case of refusal. The appellant refused to join the respondent's union and was dismissed by his employer in order to avoid a strike: but the appellant swore that "he was afraid, because of what the respondent had said, that he would lose his work and could not obtain employment anywhere where the respondent's society predominated numerically over his own society." The court (Lord Coleridge, C.J., Mathew, Cave, A. L. Smith, and Charles, JJ.) were agreed that no case of intimidation within the statute had been made out. With regard to the cases of *Reg. v. Devitt*, 10 Cox C.C. 592; and *Reg. v. Bunn*, 12 Cox C.C. 316, in which Lord Bramwell and Lord Esher are reported to have held that the statutes on the subject of trade unions had in no way altered or interfered with the common law, and that strikes and combinations expressly legalized by statute may yet be treated as indictable conspiracies at common law, the court considered such a proposition as "contrary to good sense and elementary principle," and they cast over such indefensible decisions the ever-ready mantle of judicial charity by adding, "and the reports, therefore, cannot be correct." *Curran v. Treleaven*, a decision on a cognate subject, is also included in this report. In this case the appellant was a secretary of a trade union and the respondent was a coal merchant, and in order to prevent the respondent from employing non-union men the appellant and two other secretaries of trade unions informed him that if he did not cease to do so they would call off the members of their respective unions. After a meeting of the unions, at which it was resolved to adopt this course, the appellant and the other secretaries, in the presence of the respondent, who was invited to attend, made the following statement to the respondent's workmen and others who were assembled: "Inasmuch as Mr. Treleaven still insists on employing non-union men, we, your officials, call upon all union men to leave their work. Use no violence; use no immoderate language; but quietly cease to work and go 'home.'" The union men, in consequence, ceased to work, and it was held by the court that there was no evidence of any intimidation by the appellant within the meaning of the statute. The court repudiate the idea that, because the result of a strike may be detrimental to an employer, therefore the promotion of it is an indictable offence at common law. Where there is no malice in fact, and the strike is promoted to benefit the workmen, even though the employer be injured, yet the agreement to strike under such circumstances is neither illegal nor actionable.