

however, that it is enough to entitle a plaintiff to an injunction, that he can show that the acts complained of, though in contravention of no statute, are malicious, and done for the purpose of injuring him.

A short sketch of the history of the law respecting the class of conspiracies under discussion will make it easier to comprehend the present legal position of the striker. During the reigns from that of Edward III. to the end of that of Elizabeth, various statutes were directed against combinations by masons, by carpenters and by victuallers to raise prices, and by laborers to raise wages or alter hours. During the seventeenth century all the cases of conspiracy for offences relating to trade or labor relate to prices. During the eighteenth century several Acts were passed prohibiting combinations from controlling masters in particular trades. By 39 Geo. III. c. 81 (1799), all agreements by workmen of any kind, for altering hours or lessening the quantity of work, or for hindering masters from employing such persons as they should please, or for controlling or in any way affecting a master in the conduct or management of his business, were declared illegal, null and void. The same statute made it an offence for workmen to enter into such agreements, or subscribe or collect money, or attend meetings for the purpose of such agreements, or bribe, persuade or influence other workmen not to enter into hirings, or to quit their hirings, or refuse to work for any other workman. Next year this Act was repealed and replaced by another, the provisions of which were similar, except that to constitute the various offences

the acts must be wilfully and maliciously done.

In 1824, 5 Geo. IV., c. 95, repealed all the then existing Acts relating to combinations of workmen, and provided that workmen should not by reason of combinations as to hours, wages or conditions of labor, or for inducing others to refuse to work, or to depart from work, or for regulating the mode of carrying on any manufacture, trade or business, or the management thereof, be liable to any criminal proceedings or punishment for conspiracy or otherwise, under the statute or common law. But it exacted a penalty of imprisonment for violence, threats, intimidation and malicious mischief. Next year this was repealed and replaced by 6 Geo. IV., c. 129 (1825), which continued in force till 1871.

In 1859 an amending Act was passed declaring that agreements by workmen or others as to wages or hours of work, whether of persons present at the meetings or of other workmen, and peaceable persuasions by workmen or others to abstain from work in order to secure such wages or hours, should not be deemed to be molestations or obstructions, but that this proviso should not authorize breach of contract by workmen or persuasion of workmen to break their contracts. This too was repealed by the Act of 1871.

So much for the statute law up to 1871. The suggestion that combinations to injure private persons may be criminal, although the proposed means of injury would not be criminal, though often made, is not borne out by the cases. It rests partly on the authority of *Hawkin's Pleas of the Crown*, I, 72-2, where