

reached by any of these means, who would have to be punished in a more open way: in some way, the disgrace of which would be more patent to them—as, for instance, putting them in the stocks, or, as is done in some European countries, compel them to go through the street with a drunkard's badge on, or with the head showing through the top of a barrel, or by inflicting any other punishment which would render them ridiculous; and, if it is thought advisable, punish also in some such way the person convicted of giving liquor to the drunkard. We commend these remarks to those who are earnestly endeavoring, with often but scant assistance, to remedy a great social evil.

### THE OFFENCE OF CONSPIRACY.

(Continued from p. 113.)

As already stated, the consultation and agreement between two or more persons, *wrongfully to prejudice or injure a third party in any manner*, is a conspiracy. A system of combination, common enough in England, to compel the payment of high wages, as sprung up in some parts of this country. These combinations, when intended to injure an employee by seducing or intimidating his workmen, come within the definition, and may be prosecuted as conspiracies. Workmen are not compellable to work at any particular rate of wages: like all other contracts, that between a builder or manufacturer and the workmen he employs, is a matter of contract; and whilst they are free from engagement, workmen have the option of entering into employment or not, and may agree among themselves that they will not go into any employment unless they can get a certain rate of wages.

But workmen have no right to combine together to persuade men already hired by and in the employment of other masters, to leave that employment for the purpose of compelling those masters to raise their wages; and a conspiracy to obstruct a manufacturer in carrying on his business, by inducing and persuading workmen who had been hired by him to leave his service, or by intending to alarm him, in order to force him to raise his wages, or to make an alteration in the mode of conducting and carrying on his trade, was held to be an indictable offence. So is an agreement to induce and persuade workmen under contract of servitude to absent themselves for such service,

although no threats or intimidation be proved. It is likewise illegal to agree to molest, or intimidate, or annoy any workmen in the same line of business, who refuse to enter into an agreement not to work under a certain rate, but choose to work for their employers at a lower rate.

In these cases the essence of the offence is an unlawful combination to carry out an unlawful purpose; and the unlawful combination may be inferred from the conduct of the parties.

Another mode of injuring third parties is by conspiring to obtain goods and chattels from individuals by false pretences, without paying for them, with intent to defraud, and this also is an indictable offence; so when persons conspire to cause themselves to be believed persons of large property; and so when three persons agreed that one should accept a fictitious bill, and that the others should endorse and negotiate it.

If brokers agree together, before a sale by auction, that one only of them shall bid for each article sold, and that all articles then bought by any of them shall be sold again among themselves at a fair price, and the difference between the auction price and the fair price divided among them, this is a conspiracy for which they are indictable.

### LATE ACTS.

We publish in this issue several of the acts of last session, which will be of interest to our readers. The act amending the Insolvent Act of 1864, and other acts for which we have no room, will be found in the current number of the *Law Journal*:—

#### AN ACT TO AMEND CHAPTER NINETEEN OF THE CONSOLIDATED STATUTES FOR UPPER CANADA, RESPECTING THE DIVISION COURTS.

[Assented to 18th September, 1865.]

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1.—Notwithstanding anything in the said Act respecting the Division Courts, it shall and may be lawful for any Judge of a County Court, in his discretion, upon the petition of the Municipal Corporation of any Township or united townships in which no Division Court has already been established, praying that a Division Court may be established in and for such township or united township, to establish and hold a Division Court therein, and the Court so established shall be number-