

as thus modified has been uniformly maintained by the courts in several cases, and the general doctrine established that any agreement or conspiracy to commit an act injurious to trade is illegal. Upon the enactment of the Penal Code in 1881 the definition of conspiracy was enlarged, and a new provision was inserted declaring it a misdemeanor for two or more persons to conspire—

"5. To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof."

The provisions of the statute of 1870, in regard to peaceable and orderly combinations, quoted by us above, were at the same time added to the Penal Code, where they stand as section 170. Together they make the law so clear that there can be no misunderstanding it. There is not the slightest doubt that the use of the boycott as an aid in a strike is a conspiracy against trade, and punishable by fine and imprisonment. Mrs. Gray's case has excited widespread interest and indignation because the victim is a woman; but otherwise the boycott upon her bakery does not differ from that used in thousands of other cases. Her case is likely to be of great value in arousing public indignation against boycotts of all kinds, and in awakening the officers of the law to their duty of promptly bringing the perpetrators of them to punishment.

BIRD SLAUGHTER.

SOME seven years ago there appeared in Paris at a ball of the *demi-monde* a woman wearing on her head-dress a dead bird. The bird had artificial eyes, and its wings and tail were spread out so as to give it a life-like appearance. It was a small, stuffed bird, not a bird-skin stretched on wires. Its introduction as an ornament in fashionable bad society was not received with much favor at first, although the wearer succeeded in attracting attention to herself by the singularity of her adornment. This was all that she desired or intended to accomplish by fastening a bird's corpse to her head-gear. She had not the smallest expectation that she would be imitated, even by her immediate companions, still less that the whole world of fashionable good society in France, England, and America would "fall into line" at her heels. Probably her only thought was that the oddity of her costume would serve as a striking advertisement, like "S. T., 1860, X.," and cause her to be talked of among the males and females of her kind.

Strange indeed are the caprices of fashion. Seven years have passed by, and we find the eccentricity of a woman of the town become the craze of millinery—so great and deadly a craze that State Legislatures are considering bills to prevent the extinction of our song birds, and of all birds not too large to be worn on the bonnets of women and children. Nothing more revolting to good taste can be imagined than the "remains" of an animal fresh from the dissection of a taxidermist as an ornament to a woman's

forehead. The very suggestion ought to excite horror and disgust, as well as pity for the slaughtered songsters of the grove. But the instincts of refined taste and the promptings of humane feeling are alike crushed by the Juggernaut of fashion. The appeals of naturalists and the sarcasms of the press are alike unavailing to suppress or even lessen the massacre of the innocents. The destruction goes on at a rate limited only by the number of birds within reach of the sportsmen's guns and nets. Seventy thousand corpses of the white curlew were delivered in New York in four months' time. They have almost disappeared from our coasts. Linnets, bluebirds, orioles, woodpeckers, snowbirds, song-sparrows, indeed everything that has feathers and is not too large a load to be carried on one's head, is coming to the shambles of millinery. As the smaller varieties become scarce the larger ones are taken and cut in pieces, their heads going to one style of head-dress and their wings and tails to another. But no one can tell how large a bird can be worn on a woman's head by walking on Fifth Avenue. It is necessary to take a ride in a Second Avenue car to get the full effect of the prevailing fashion. There one may see on the headgear of poorer classes, and especially of colored women, every species of the feathered kingdom smaller than a prairie chicken or a canvasback duck, and every color of the rainbow.

The public are beginning to realize that there is danger of the total destruction of small birds to satisfy the demands of an odious trade founded upon a worse than barbarous fashion. The barbarian carries dead animals on his person as charms against the powers of darkness, but not for purposes of adornment. If any daring traveller had found among the bushmen of Australia, or the savages of Africa, a people wearing dead humming birds for earrings or dead rats for necklaces, the discovery would have stirred commercial and philanthropic zeal among civilized nations to supply them with suitable beads and brass ornaments to take the place of such heathenish attire. Yet the composing of a circlet for a young girl's brow from the heads of twenty bobolinks, woodpeckers, wrens, kingfishers, and other decapitated beauties of the forest and the seashore—a sight beheld by a correspondent of the *Evening Post* at the Academy of Design last week—is hardly to be distinguished in point of good taste from the wearing of humming-birds as pendants to the ear or small rodents to adorn the neck. In this case it is evident that the object was to get as many different insignia of bird slaughter crowded into one place as possible.

There is a bill pending at Albany to prohibit the killing of certain species of harmless birds. It ought to prohibit not only the killing but the traffic in birds of this class, and authorize the seizure and destruction of the same after a reasonable time sufficient to give all people warning, and to enable those who have money invested in them to get rid of their stock. Our game laws prohibit the killing of certain kinds of birds at certain seasons, and in order to make the prohibition effectual they prohibit the having of them at such times. Possession of the prohibited thing is itself a misdemeanor, and rightly so. The object of these laws is to

preserve the species from extinction, so that the generations who come after us shall not be deprived of a valuable birthright through our negligence. Societies of ladies have been formed in England to discourage the practice of wearing birds on the head. Mrs. Celia Thaxter proposes, in the *Evening Transcript*, that a similar society be formed in Boston. But it may be doubted whether a fashion, however opposed to good taste, can be frowned down. If our birds are to be saved, public authority must come to the assistance of private effort. Societies for the suppression of bird slaughter will be useful and effectual, however, in aid of the law, or to promote its enactment and enforcement.

A FRENCH MEMOIR OF OUR COLONIAL HISTORY.

THE National Library of Paris has lately received a curious acquisition in a manuscript work entitled '*Voyage au Canada dans le Nord de l'Amérique Septentrionale fait depuis l'an 1751 à 1761, par T. C. B.*' The author, when very young and at his wits' end for a living, took an opportunity which was offered him of going to Canada, and there enlisted in the *troupes de la marine*, which composed the standing military force of the colony. As his education was much above his new position, he sometimes acted as secretary to his commanding officer, and was at length made storekeeper at Fort Duquesne, where, as he ingeniously remarks, there were good opportunities of making money without much risk. It was a time when the storekeeper of a military outpost in Canada rarely failed to make a modest competence at the expense of the King. "T. C. B." found himself at the end of the war in possession of something more than 80,000 francs, nearly all of which melted into nothing through the depreciation of Canadian paper money.

His book would be more valuable if it were less ambitious. He says that he made notes of what he saw in Canada, from which many years afterwards, he wrote his story; but these notes must have been of the most imperfect kind. An exact copy of the whole work is before me. It forms 428 pages of manuscript, including a preface, an index, and a long treatise on the Indians. In short, it is a book prepared for the press, though it was never printed. "T. C. B." would have done well if he had contented himself with relating his own experience, instead of undertaking to recount the whole course of the war. He did not write his book till thirty or forty years after his return to France, and his memory, in spite of the notes which he says that he kept, often plays him strange tricks. Thus, he puts the defeat of Braddock in 1756 and the removal of the Acadians in 1754, though they both occurred in 1755; and he makes the capture of Fort William Henry and the defeat of Abercrombie occur in the same summer. His account of the Indians and his long descriptions of the animals of the country are very inexact. According to him, the Canadian porcupine darts its quills at all comers, while the *carcajou*, or wolverine, has a tail several times longer than its body.

During the winter of 1758 and 1759 he returned to Quebec with pockets full of paper money from his lucrative service at Fort Duquesne, and engaged himself in marriage to a young woman of the city, hired a house, furnished it at the cost of 10,000 francs, and somewhat prematurely installed in it his intended bride and mother-in-law; after which he changed his mind and broke off the match, assigning no reason to his readers.

or to his betrothed, whose disappointed parent gave him great trouble before he could dispossess her of the house and furniture. Resuming his military life, he was captured in the summer of 1760 and sent prisoner to New York. His account of that place and what befell him there is interesting and curious. Being sent to France with other prisoners, he rejoined his family, and, at length, growing old, put his story upon record, apparently about the end of the last century. As historical evidence the value of his work is small. Even in the events of which he was himself a part his memory is often at fault, and where he tells of what he did not see, his story is worthless. Even in his own reminiscences men and events are sometimes confused by the lapse of time.

His first military experience was on the expedition sent by the Marquis Duquesne in 1753 to occupy the Upper Ohio. He accompanied the party, however, no further than Presquille, having been sent with a detachment to Detroit and Lake Huron. In the next year he was one of the party that drove Ensign Ward from the forks of the Ohio and built Fort Duquesne. He was at this place when Jumonville was killed and his men captured by Washington, but he adds very little to what is known of that affair, except some particulars about the Canadian who escaped the fate of the rest. He was also one of the force under Villiers who defeated Washington at Fort Necessity. His account answers pretty well to the French contemporary reports, none of which, however, give the number of Indians who accompanied the expedition. This "T. C. B." puts at three hundred, which, if true, makes the total French force upwards of nine hundred, against about three hundred and fifty under Washington.

He gives a horribly minute account of the torture of English prisoners by the Indians at Fort Duquesne in the summer of 1755. He was present at the scene, which seems to have left an indelible impression upon him. He not only puts the defeat of Braddock in the wrong year, but his account of it is extremely short and unsatisfactory, adding nothing to what is already known, though he says that he took part in it. He seems impartial in his mistakes, which sometimes tell against his own countrymen. Thus, he declares that at the battle of Lake George the whole French force was killed or taken, while in fact the greater part escaped. His ambition to make a book has led him to sacrifice rare opportunities of leaving behind him a record of personal observations which might have been of great interest and value. He apologizes for having so much to say about what he himself saw and did, but his real fault is in adding anything else.

F. PARKMAN.

THE STRIKE IN THE SOUTHWEST.

ST. LOUIS, April 1, 1886.

THE strike which has now been prevailing in the Southwest system of railroads, commonly called the Gould system, for nearly four weeks, has brought to the surface so many features of economic, social, and governmental import, that a critical review may not be out of place. The public has been fairly well informed of the incipency and progress of this remarkable upheaval; but the coloring given to it by the press, and by associated and private despatches in different sections of the country, has had a tendency to hide from the outside public many of the local features to which attention must be given in order to understand its origin, rise, and inevitable consequences.

To begin with, the country should understand that this was not a strike. It had neither the meaning nor the dignity attached to that word. Webster defines the word strike to mean, "to

quit work in order to compel an increase or prevent a reduction of wages." Neither of these elements had anything to do with this quasi-revolutionary movement. It was a *boycott*, pure and unadulterated, with no element of a reasonable or even alleged cause for a strike, on the above accepted definition, in it.

The public generally accepts the term *boycott* to be a sort of a good-natured and not unlawful method of applying the screws to a refractory employer. Such may have been the intention of the originators of this method, but, as at present applied, it forbodes incalculable mischief. It partakes more of the nature of the "lettres de cachet," the papal bulls of excommunication, the *Vehmgericht*, or the Spanish Inquisition; it is, in fact, a revival of the cruel and relentless practices of the Middle Ages.

When a boycott is decreed, it is directed against every man, woman, or child, against every firm, corporation, or individual, against everybody who—directly or indirectly, whether for profit or love, whether his life or his health or that of his wife and children depended on it, whether he or they were sick, suffering or starving, whether impelled thereto by ties of friendship, of gratitude, or humanity—helped, aided, worked for, or in any way assisted the person, corporation, or institution which had incurred the displeasure of and been declared to be under the ban by a chartered lodge; and to abide by this order when given, all Knights of Labor are solemnly sworn.

Tracing the history of this strike, it will be seen that this was the course it took. A railroad in Texas discharged one of its employees. It is irrelevant for our purpose to argue for what reason; it is only relevant to know that he belonged to the order of the Knights of Labor. The Knights demanded his reinstatement, which the managers refused. Thereupon a strike on that line, which covered nearly the entire State of Texas, was ordered. Within twenty-four hours after, it became apparent that this mode of coercion did not bring about the reinstatement of the discharged man, and the bull of excommunication was decreed over another road, the Missouri-Pacific. Ostensibly the laws were to be respected, but in fact no law was to stand in the way of preventing the excommunicated road from being operated; and violence, destruction, and panic were to, and did, follow in the wake of the Knights' secret order.

St. Louis being the key of the situation, and the chief offices of the road as well as of the Knights being located here, this city became the main point of attack. It is needless to describe the open acts of violence that were committed—they are matters of history; but the secret and invisible acts of terrorism are not. The thousands of employees who were serving the company, directly or indirectly, from the best paid artisan down to the day-laborer and the poor women who scrub the cars, were waited upon by a "committee" and "requested" to stop work instantaneously. Generally they were served with a written notice, reading as follows:

"You are requested not to . . . work in the shop . . . repair tracks . . . take out an engine, etc., etc., from and after — o'cl. this day.
By order of the
{ Seal of Knights } EXECUTIVE COMMITTEE."
of Labor. }

It will be observed that the word "requested" only is used, designedly for the purpose of serving as a cloak to the boast that the Knights never used violence; but there is a terrible meaning attached to the word "request," which every laboring and working man in the country now understands. It means that whoever does not heed that request may consider himself outlawed; that when going to or returning from his work he will be hooted, hissed, and spat upon; that he

will be beaten, his wife and children insulted, his tradesmen forbidden to sell him goods, his landlord ordered to oust him from his home. All his social relations will be cut off, and he will become the Ahasuerus of his tribe. No wonder that the most loyal and the stoutest among them give up their manhood rather than incur the consequences of such demoniac persecutions.

To continue my history: The Missouri-Pacific boycott not producing the desired result, it was extended over the St. Louis bridge, with its vast organization and hundreds of employees, and later on over East St. Louis and the dozen railroad lines terminating there as the outlets of some of the most important trunk lines. The strikers there outvied the St. Louis mob. Under the guidance of the Knights all avenues of trade and industry were closed. The St. Louis Transfer Company, which owns several hundred teams, had to suspend operations. Its teamsters were "requested" to quit, and quit they did. They were all loyal to their employers, were poor, needy, hard-working men, and they met afterwards among themselves and published a protest in the papers against this unwarranted interference, but they dared not to ignore the "request." Other teams, belonging to private parties, endeavoring to haul goods to and from East St. Louis, were ordered back, and nothing was permitted to be touched. Railroads trying to move trains had their engines killed and disabled and their trainmen beaten and insulted. Perishable goods had to be left to rot and spoil. Thousands of tons of coal from Illinois, on which St. Louis depends for its supply, were standing in the railroad yards, but not a bushel was permitted to be moved. Presently the coal famine made itself felt in St. Louis. One factory after another had to let its fires go out. The great flour industries of St. Louis had stopped some time before, because they could get no grain in and could ship no flour out. Thousands of employees, mostly of the poorest class, had to be discharged. The price of coal rose from the average of seven cents per bushel or \$5.50 per ton to fifty cents or \$40 per ton. Provisions rose enormously. The army of teamsters who make their living by hauling goods to and from East St. Louis not only were forced into idleness, but had to pay enormous prices for feed for their horses who were idle in the stables. How the poor fared may be imagined.

The East St. Louis strike was confessedly ordered without cause or grievance. The Chairman of the Assembly of Knights which ordered it, Sullivan by name, openly stated that it was done only "to help their brethren" in Missouri.

It would draw this letter to undue length to dwell upon the vain efforts of the railroads and the public to obtain protection or enforcement of the law from either the city authorities of East St. Louis, the Sheriff of the county, or the Governor of the State. Suffice it to say that the apathy of the officers in connection with the approaching April elections had an unmistakable significance.

But let us return to Missouri. During all this time, while these acts of violence were going on, not a word was said about wages, not a single grievance was presented. It is true that the leader, Irons, issued a pronouncement, red-hot and flaming, in which the bloated bondholders, the millionaires, the stock-watering and Wall-Street gamblers were denounced as being at the bottom of the strike, and incidentally saying that the Missouri-Pacific should pay its bridge mechanics and its shop apprentices higher wages; but this was issued two weeks after the strike—it was "post hoc" and not "propter hoc."

Many of the men ordered out were of the best-paid, the best-contented employees, had their own homes and brought up their families in a