

means to employ counsel, ought to have known these simple facts, and to have acted upon them. They should not have decided on a strike unless they were prepared to preserve order. We do not know how many of their men have been engaged in the violence of the past week, but some of them have been, and it would have been quite possible for the strikers' organization to have kept the peace along the lines of the various roads, had they been determined to do so. They would have been, at the same time, at perfect liberty to persuade or hire new men not to take their places or to quit them when they had taken them, so long as no threats were used. Had this course been pursued it is quite conceivable that the companies could not have given satisfactory service, such as the law requires of them. In that case they could not plead a peaceable and orderly strike as an excuse for their failure, and the strikers would have had, not only the law on their side, but the respect of the people of Brooklyn. They would have been in a far better position than they are now in. As it is, they have abandoned the only vantage ground that was open to their occupation, and have given and permitted to be given to the companies a complete excuse, in law, for their failure to operate their lines. They will now have to learn by severe experience the principle on which the law rests in all free States, that peace and good order are the inalienable right of the whole community, and must be respected by all and enforced upon all.

THE LAW AND THE TROLLEY COMPANIES.

Yesterday the Board of Aldermen of Brooklyn took a hand in the strike agitation. We shall not question their motives. They are city officials, who depend for their places and the honors and emoluments thereof on the votes of their fellow-citizens. They are naturally anxious to appear as guarding the interests of as large a number of voters as possible. They know that about all the people of Brooklyn are suffering inconvenience and loss from the interruption of travel on the trolley lines, and that the former motormen and conductors of the trolley companies are especially suffering from lack of employment and wages. So they have adopted a resolution asking the Attorney General "to commence proceedings" against the trolley companies "for the annulment of their charters." This they base on the statement that on all the trolley roads where the strike continues "there has not been even an attempt made to run a car for the last seven days," and that "the conceded cause of this paralysis of travel is simply a question between the said companies and their old employés as to wages and time."

The Aldermen are absolutely in error as to their facts, as they probably know, and they are equally in error as to the law, which very likely they do not know at all. If it were a question only of their personal, or even their official, opinions, no notice of them would be required, but as there has been a good deal of loose talk about the obligations of the trolley companies, and considerable numbers of sincere people seem to imagine that the companies are legally liable for the injury caused by the interruption to travel, it may be well to declare again, as we already have done, that the companies are for the time being absolved from their obligations by the acts of the strikers or their sympathizers. Those obligations, whether inherent in the character of the companies as common carriers, or defined by their charters, cannot be enforced when the performance of them is prevented by what in the language of the old law is termed "the act of God or of the public enemy." The act of a public enemy includes any violation of the public peace, or any threat of violence which actually interferes with the safety of employés of the company. It also includes any disorderly conduct that inspires such fear of bodily injury as interferes with employés, or interferes with the employers in securing employés who would otherwise be willing and able to work. If a suit were brought to-morrow against the trolley companies on the grounds put forward by the Brooklyn Aldermen, the companies would have a complete answer which any court in the State, following the judgment of the Court of Appeals in the Delaware and Lackawanna case, would have to accept. The leaders of the strikers, who are men of intelligence, and who have ample