

ators to mine coal cheaper than the operators in Western Pennsylvania, Ohio, Indiana and Illinois, and this state of affairs resulted in the defendants approaching the competing operators in the last mentioned states, and proposing an agreement, which was entered into subsequently, under which defendants would unionize the West Virginia miners, (who at that time were non-union), and compel them, as members of the union, to obey the rules and by-laws of the United Mine Workers, and thus do away with the unequal competition in favour of the West Virginia operators. This was in 1898, and for a period of fourteen years, and with an expenditure of hundreds of thousands of dollars, and at the cost of human lives sacrificed, they were still unsuccessful in their attempts at unionizing the West Virginia miners, when matters were brought to a crisis by the plaintiff, in the above case, obtaining a temporary or interim restraining order, which, by the decree of the above court, was made perpetual.

The learned judge in his opinion first, by a course of clear, forcible, and logical reasoning, aided by a legal exposition and consideration of the law involved, attempted to shew and did shew, what part of the English common law became part of the law of the State of Virginia, at the time of the American Revolution in 1776, and how much of that law remained in force in the said state, when the first state constitution of West Virginia was adopted in 1861 and 1863, (what is known now as West Virginia, having previously formed a part of Virginia), and remained unchanged at the time of the commission of the alleged acts complained of.

The court gives an elaborate resumé of the conditions of labour existing at the time of the enactment of the first statute in England affecting labour and known as the "Statutes of Labour" and passed in 1349 and 1350, in the reign of Edward III. It fixed the amount of wages for labour during the summer months, and empowered justices of the peace to fix the amount for the winter months. Then came the Statute of Apprentices, enacted in 1563, which remained the law for two hundred and fifty years and was repealed in 1813, but during that whole period, it, as