

Canada Law Journal.

VOL. XLIX.

TORONTO, APRIL 15.

No. 8

TRADE UNIONS UNDER ENGLISH AND AMERICAN LAW.

Fiction and law are curiously blended in a legal or historical consideration of the origin, purposes, regulations, or control of trade unions, and in the effect of legislative enactments to guide or curb them in their relations to their own members, or in so far as the public may be affected by them, or those who are affiliated with them.

Charles Reade, the famous English novelist, in his powerful novel, "Put Yourself in His Place," placed before the world some of the evils of these associations of his day and time, and which "expose" had no small share in the passage by the English Parliament of laws and enactments, the beneficent results of which remain to-day, just as his, probably, more powerful novel "Hard Cash," resulted in a complete reformation of the Lunacy Law of England: but this article is chiefly concerned with viewing these associations from a purely legal standpoint, and no vantage ground seems to be better adapted for the purpose than the latest important judicial exposition of the questions involved, viz., the case of the *Hitchman Coal and Coke Company v. Mitchell*, et al., decided January 18, 1913, by the United States District Court, for the Northern District of West Virginia, decreeing that a perpetual injunction issue restraining the defendants from the acts complained of.

The plaintiff is a coal mining operating company, owning and operating mines in the West Virginia district, and employing miners who are affiliated as members of the United States Mine Workers, of which association the defendants are officers. It appeared from the evidence that the more valuable natural conditions of superior veins of coal, roofing, methods of mining and superior quality of coal, enabled these West Virginia oper-