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*Editor*

J. C. MURRAY. B.A., B.Sc.

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## THE LEGAL STATUS OF THE UNITED MINE WORKERS OF AMERICA

When the United Mine Workers of America, some five or six years ago, were carrying on the campaign of disruption that ended in the disastrous strikes of 1909 at various Nova Scotian coal mines, the coal operators were greatly laughed at because they stated their belief that the activities of the U. M. W. A. were not entirely unconnected with the desires of the American coal operators to control the markets where Nova Scotian coal came into sharp competition with coal from the United States. Later developments proved that the suspicions of the Nova Scotian coal owners were very well founded, and an interesting sidelight on the local situation is given by an important judicial decision recently handed down in West Virginia in connection with an injunction against the U. M. W. A. asked for by the Hitchman Coal & Coke Co., of Wheeling, West Virginia.

In 1909, Judge Dayton, of the District Court for the Northern District of West Virginia, granted a preliminary injunction against the U. M. W. A. restraining them from picketing the mines of the Hitchman Coal Co. After legal proceedings extending over the whole of the intervening period, Judge Dayton, in December, 1912, confirmed the injunction and made it perpetual. The reasons actuating the decision are so apposite to the conditions that existed in Nova Scotia previous to the strikes of 1909 as to be well worth quoting. Judge Dayton sums up as follows:

"I conclude, therefore, that this organization, known as the United Mine Workers of America, is an unlawful one, because in its constitutions, obligations for memberships, and rules which (1) requires its members to surrender their individual freedom of action, (2) seeks to require, in practical effect, all mine workers to become members of it whether desirous of doing so or not, (3) seeks to control, and restrict, if not to destroy, the right of the mine owner to contract with its employees independent of the organization, (4) to exclude his right to employ non-union labour if he desires, (5) to limit his right to discharge, in the absence of contract, whom he pleases, when he pleases, and for any cause or reason which to him seems proper, (6) assumes the right on its part, by and through its officers, to control the mine owners business by shutting down his mine, calling out his men on indefinite strike in obedience to their obligation to the union, whether the men desire to quit work or not, whenever the union's officers deem it for the best interest of the union, regardless of the rights and interests of the mine owner, and regardless of his direct loss