

### APPENDIX I

# THE LEGAL POSITION OF COLLECTIVE BARGAINING 1

SINCE 1824-25, when Collective Bargaining with respect to wages and hours was made lawful, and especially since 1871-75, when this right of combined action was extended to all other conditions of employment, the controversy as to the precise legal position of this method of Trade Unionism has turned upon its various incidents. The points at issue have been continually shifting, according as the lawyers have dealt with the different forms of pressure that combination incidentally exercises on other parties. For half a century after the repeal of the Combination Acts in 1824-25, the question seems, in the minds of judges and legislators, always to have been muddled up with that of physical violence. Because angry strikers here and there committed assaults, it was habitually assumed that Trade Unionism practically depended upon, and mevitably involved, personal molestation of one sort or another. With such an assumption any exact discrimination between various forms of compulsion was not to be looked for. This confusion has now been cleared away, so far at least as the judges are concerned. In 1867 Professor Beesly incurred great odium in his own class for pointing out that "a Trade Union murder was neither better nor worse than any other murder." To-day, as Sir Frederick Pollock observes, "there is no doubt that assault and battery, unlawful wounding, riot, unlawful assembly, and other open offences against the Queen's peace, are equally offences, whether committed in the course of any trade dispute, or by members of any trade combination, or not."8 Trade Unionists have, on this point, never asked for any other version of the law.

The confusion of mind just described often led judges and

<sup>1</sup> See Part II. chap. ii. "The Method of Collective Bargaining.

Memorandum in Appendix to Report of the Royal Commission on Labor C. 7063.

magistrates, down to 1891, to regard as a criminal offence, under the head of "intimidation," any threat or warning uttered by a Trade Unionist to an employer or a non-unionist, even if the consequences alluded to were of the most peaceful kind. This interpretation of the statutes has always been resented by the workmen. and was, in 1891, authoritatively overruled. The point in controversy was, in what the statutory offence of intimidation consisted. "Must intimidation be a threat of something which, if executed, would be a criminal offence against person or tangible property? Or does it include the threat of doing that which would be civilly, though not criminally, wrongful? Or, lastly, can it include the announcement of an intent to do or cause to be done something which, without being in itself wrongful, is capable of putting moral compulsion on the person threatened? A specially constituted Court of Queen's Bench Division, proceeding on the intention of Parliament as shown by the Trade Union Act of 1871 as well as in the Act of 1875, has pronounced the first of these interpretations to be the correct one."1 "Intimidation" is thus authoritatively narrowed down to a threat of committing a criminal offence against person or tangible property.

So far as violence and intimidation are concerned, the issues have, therefore, been completely settled to the satisfaction of the Trade Unionists. However adverse may be the judicial bias against Trade Unionism, however injurious the judges may think its action, it is now determined that nothing is a criminal offence when done in pursuance of a trade combination, which would not be a criminal offence if done in pursuance of the most conservative or respectable of associations. This can hardly be said to be yet the case with regard to those breaches of public order which are summarily dealt with by the magistrate. It is difficult for any trade dispute to take place, except in the most highly organised unions, without the workmen laying themselves open to such accusations as "obstructing the thoroughfare," or the vague charge of committing acts of annoyance. Contraventions of this kind are committed every day by all sorts and conditions of men, from the excited crowds of stockbrokers in the City down to the gatherings round street-corner preachers. Whether or not they are made the subject of police prosecution, and punished by the magistrate, depends, partly on the magnitude of the offence, but much more on the view taken by the authorities as to the objects of the gathering.

<sup>&</sup>lt;sup>1</sup> Memorandum in Appendix to Report of the Royal Commission on Labor, C. 7063; see also Gibson v. Lawson and Curran v. Treleaven, 1891, 2 Q.R. 545; Law Quarterly Review, January 1892, p. 7.

This brings us to the subject of "picketing," which has attracted much more public attention than it deserves.1 Since 1875 it is clear that workmen are within their legal rights in declining, by concerted action, to enter into contracts of service with a particular employer, or of withdrawing themselves from his service on the termination of their engagements, or after the prescribed notice. The strike, that is to say, is definitely made lawful. The strikers have the same right as any one else to communicate the fact that a strike is in progress to any workmen who are unaware of it, and also to address peaceful persuasions or exhortations to such workmen. It is often forgotten that "picketing" in this sense was specially and expressly legalised by the Act of 1875. "Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not," declares the statute, "be deemed watching or besetting," however annoying such a practice may be to the employer whose objects are defeated thereby. The practice of picketing has, therefore, received explicit legislative sanction, and any acts committed by Trade Union pickets ought not to be regarded as offences, unless they would equally have been so regarded if they had been committed in pursuance of some admittedly laudable object, such, for instance, as dissuading men from excessive drinking or women from prostitution. This, however, the average magistrate seldom understands. He habitually assumes that strikes, though not criminal, are morally reprehensible; and he chooses, in defiance of the intention of Parliament, to consider the moral suasion of the most peaceful picketing as an unwarranted interference with personal liberty. He is, therefore, often led to regard as criminal, when perpetrated by Trade Unionists, acts of obstruction or annoyance, which would be over-

<sup>&</sup>lt;sup>1</sup> A clear definition and full description of picketing, from the pen of Mr. Henry Crompton, will be found in the History of Trade Unsonism, p. 262; see also the article by Mr. George Howell in the Contemporary Review, September 1877, and his Conflicts of Labour and Capital, 2nd edition (London, 1890). It is interesting to learn from Dr. Gross that "picketing is not a modern invention. In 1614 the Company of Mercers and Ironmongers of Chester ordered T. Aldersey (who had marned the niece of an ironmonger) to shut up his shop. He refused, 'soe date by date two others (of their Company) walked all date before the said shop and did forbidd and inhibit all that came to the said shopp for buyinge any wares there, and stopped such as came to buy wares there.' The Mayor ordered them to depart 'upon their oathe'; they answered that they were sworn to their Company; and so 'they walked and remayned and plaied their wildli parte.' "—Hark MS. Brit. Mus. 2054, ff. 89-90, cited in The Gild Merchant, vol. i. p. 36 note.

looked in the religious propagandist, the tract distributor, the street hawker, the organ-grinder, a football crowd, or a Salvation Army procession. Such a partial exercise of the necessary magisterial discretion is unjust.

The picketing thus sanctioned by Act of Parliament is, of course, strictly limited in character. In this respect, however, Trade Union picketing stands in exactly the same position as any other informing or persuading, such, for instance, as a group of temperance advocates might use to induce men not to enter a public-house. It must, to begin with, not create any breach of public order, or obstruction of the thoroughfare—matters to be dealt with by the police irrespective of the objects or motives of the persons concerned. It must not infringe the statutory prohibition of "watching or besetting" with a view to compulsion, from which, as we have mentioned, picketing for the purpose merely of obtaining or communicating information is expressly excluded. Finally, Trade Union picketing, like the action of any other group of people acting in concert for the most laudable object, is subject to the vague and indeterminate limits of the law of criminal conspiracy.

But the whole controversy as to violence and intimidation, in connection with Trade Unionism, has really passed out of date. The serious crimes which disgraced the workmen's combinations in Dublin and Glasgow at the beginning of this century, and which lasted in Sheffield down to 1867, have been for many years entirely Individual workmen still commit assaults when their blood is up, in connection with Trade Union as with all other disputes. So far as Trade Unionism itself is concerned, we do not think that any fair-minded student would hesitate to conclude that, especially for the last thirty years, so far from inciting to or causing crime, it has exercised a wonderful restraining influence. more strongly organised is the union, the more efficacious is this influence for peace. The most powerful unions of the present day, the most exacting in their demands on the employers, have gone a stage farther, and have laid aside the whole system of picketing, with its intangible annoyance and easy transition into breaches of public order. In the great five months' strike of the Cotton-spinners

<sup>2 &</sup>quot;Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority... watches or besets the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place," shall on conviction... be liable to a penalty of £20 or three months' imprisonment.—Sec. 7 of Conspiracy and Law of Property Act, 1875.

in 1893, and in the gigantic stoppage of the Miners' Federation in 1894, practically no "pickets" were posted or needed. "It is not worth the risk, trouble, or expense," writes a leading Trade Union official, "of resorting to the practice. . . . Every wage-earner is able to read and write, and discern the difference between right and wrong; and with the assistance of the public press a full knowledge can be gained as to the reasons why a strike takes place. Hence no one is required to hang about a workshop where a strike is going on for the supposed purpose of giving information to persons who may desire to apply for work on the employer's conditions." 1 Picketing, in fact, is a mark not of Trade Unionism, but of its imperfection. With such completely organised trades as the Cotton Operatives and the Boilermakers, and, in many districts, the Coalminers, compulsory Trade Unionism leaves practically no competent workman outside the combination. The weak-kneed member is kept loyal to his union by a far more effective sanction than having to run the gauntlet of the pickets. In this, as in other respects, the very completeness of the compulsion renders its forms both strictly lawful and absolutely impalpable.

There remains the elastic and indeterminable law of criminal conspiracy, the limits of which, never yet defined with any precision, seem at the present moment (October 1897) more than usually uncertain. A combination in itself lawful, but contemplating any act in itself criminal, whether as an end or as a means, is certainly a criminal conspiracy, even if its main object or general purpose be lawful and laudable. On the other hand, the mere act of combination, for a purpose not forbidden by law, not contemplating any criminal act, and not violating any actionable private right, is, however objectionable it may be to other people, certainly not criminal in the United Kingdom, though such a combination would be criminal, if formed without express authority, in many foreign The case in doubt is that in which a combination for lawful purposes, contemplating and using only lawful means, violates some actionable private right. Such a combination, besides giving ground for a civil action, might, in the opinion of some authorities, be indictable as a criminal conspiracy, if the private right is one in which the public has a sufficient interest.<sup>2</sup> So long as this view is

<sup>1</sup> Cotton Factory Times, 8th October 1896

<sup>&</sup>lt;sup>2</sup> Sir W. Eile, The Law relating to Trade Unions (London, 1869), p. 32; R. S. Wright, The Law of Criminal Conspiracies and Agreements (London, 1873); and the incidental observations of the law lords in the case of the Mogul Steamship Company v. M'Gregor, Gow, & Co., Appeal Cases, 1892; see also House of Commons Return, No. 217 of 1897, "the Judges' Opinions."

not definitely negatived, there will always be danger, especially in periods of reaction, of the law of criminal conspiracy being invoked and enforced against any association which is unpopular, or against which the judges or the governing classes are prejudiced. Unionists have, until lately, thought themselves specially protected against any such application of the criminal law by sec. 3 of the Act of 1875, which enacts that "an agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workman shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime." This seems clear enough, but the judges have lately been exhibiting a disposition to narrow the scope of the section in such a way as to bring many ordinary incidents of a strike once more within danger of the criminal law. In connection with the civil actions of Temperton v. Russell, 1893, 1 Q.B. 715; J. Lyons & Son v. Wilkins, 1896, 1 Ch. 811; and Flood v. Jackson, various judges expressed the opinion that unless the acts complained of were done in contemplation or in furtherance, not of a trade dispute at large, but of one between the particular parties bringing pressure to bear on the one hand, and the parties on whom pressure was borne on the other, they might be indictable as a criminal conspiracy. There is still so much ignorance of, and prejudice against even the ordinary Trade Union action in industrial disputes that any such whittling away of the Trade Union charter of 1875, if upheld by the judges, may possibly mean that the workmen will need to fight the whole battle for freedom over again.

Failing the criminal law, the employers have lately turned to a new weapon against the workmen's combinations. Though a Trade Union cannot itself be proceeded against, its officers are, of course, like every one else, personally liable to be sued for damages if they commit an actionable wrong against any individual. Here we must discriminate between the breaking of a contract, and the mere refusal to enter into one. If a workman breaks his contract of service (as, for instance, by leaving his work without giving the notice agreed upon) he can be sued by the employer, and made to pay damages. This remedy is frequently used by coalowners against miners who have gone impetuously on strike. Trade Union executives are always warning their members against such breaches of contract; and

<sup>1</sup> So strong is still the legal feeling against Trade Unionism that, in 1896, a judge of the High Court was capable, in flat defiance of the Trade Union Act of 1871, of making a Trade Union a party to a suit, and attaching its corporate funds for damages. It cost the workmen a large sum in costs to get this injustice overruled by the Court of Appeal (Warnham v. Stone).

there is no real grievance in the fact that a Trade Union official, who urges workmen to break their contracts, renders himself personally liable to be sued by the employer for the damage that results from his advice to the men to violate agreements that they have entered into.

The bias of the judges against Trade Unionism is, however, still so strong that they have recently forged a new weapon for the employers' use. It may be admitted, as both law and justice, that a Trade Union official should be held personally liable for damages, if he persuades men to do, to the detriment of a third party, an unlawful act. It is an entirely different thing when he merely persuades them to do what is admittedly within their rights, even though the exercise of these rights should cause damage to a third party. In the case of Temperton v. Russell, the officers of the unions of various building trades, and of a joint committee of such trades, in the town of Hull, were held hable in damages to an employer, merely for having persuaded workmen not to renew their engagements, this being admittedly within the workmen's rights, and coercion or intimidation of the workmen not being alleged. According to this decision a combination of workmen to leave a particular firm, at the expiration of their contracts, and after due notice, may render the members of that combination liable to be individually and personally sued for damages. The judges have even gone a In Flood v. Allen, the District Delegate of the Boilerstep farther. makers had informed an employer with perfect politeness and courtesy, that the members of his union would not renew their engagement with him, if he continued to employ two Shipwrights on certain iron work. The employer thereupon preferred to exercise his legal right to dispense, after due notice, with the services of these two workmen, who then brought an action for damages against the District Delegate and members of the Executive Committee of the Boilermakers' Trade Union. The Court of Appeal held that no conspiracy to procure their discharge had been proved. But the Court decided that it was an actionable wrong for even a single person "maliciously" to procure the discharge of workmen to their detriment, and the Boilermakers' District Delegate was accordingly cast in damages.

Both these cases turned upon the question of motive. If a trader, for his own profit, induces a customer without breach of contract to dispense with the services of his rivals, and transfer the custom to himself, the rivals have clearly no remedy at law. In the

case of the Mogul Steamship Company v. M'Gregor, Gow, & Co.1 it was decided that even a combination of traders, seeking, for their own profit, to exclude a particular rival from trade, and thus ruin him, was not actionable. In the case of Temperton v. Russell the same argument was incidentally upheld. "This is a perfectly free country," said Mr. Justice Chitty, "and people have a right to trade and to carry on competition to the very utmost limit. People may advance their own trade by every possible effort. They may hold out such inducements to trade with them that people will withdraw their custom from others and give it to them, and they may combine to do that; and if the purpose of the combination is in (the opinion of the jury) primarily to subserve their own trade, if as an incident of that they hurt other people, they have done no wrong for which an action can be maintained." To any one acquainted with the objects and methods of Trade Unionists, it would be clear enough that their refusal to work with particular employers or particular workmen was "primarily to subserve their own trade," and according to the present law of England, no more an actionable wrong than the concerted attempt of a capitalist ring to oust rivals from business, or bring them to terms. But by a series of wire-drawn distinctions, the judges succeeded in putting Trade Unionism outside the pale. The Trade Union officials who were sued were admittedly not acting with a view to their own personal gain, and hence, in the eye of the law, their action, though absolutely impersonal, was technically "malicious." This absence of the only motive that the law would recognise as a justification would not have mattered, had the judges been willing to see that (the Trade Union officials being also members of their society) they acted as members of a combination having a clear joint interest at stake. If the combination in question had (even if legally incorporated) been one of traders aiming at increasing their profits, the agents would not have been liable for the damage that they, in pursuit of the advantage of the combination, and within the scope of its own legal rights, incidentally did to a third party. But because the combination was a Trade Union, not aiming at commercial profit, the judges refused to recognise that its members had any adequate lawful motive for jointly exercising their admitted rights, by their duly appointed agent, to the incidental detriment of other persons.2 The judges, in

<sup>&</sup>lt;sup>1</sup> Law Reports, 23 Q.B.D. 598; A.C. 1892, 38.

A corresponding distinction seems to have been made in the United States with regard to "sympathetic strikes" or combinations to boycott. A strike for the strikers' own benefit is legal, because they have what the law regards as a legitimate motive, namely, that of bettering their own condition. But in a sympathetic strike or boycott "there can be no possible intention of benefiting

fact, though conceding that the workmen were not acting from spite or malice in the ordinary sense and that their motives might be "laudable, meritorious, and philanthropic," for the ultimate benefit of their own class, and even of mankind, failed to perceive that their intention of increasing their own wages, and of reducing the burden cast upon them by their own unemployed members by getting these employed instead of the Shipwrights, constituted as real, immediate, and direct a pecuniary interest as the trader's hope of profit.<sup>1</sup>

Unless these decisions are overruled, Trade Unionists will have to fight over again the battle for the right of combination which was believed to have been won in 1875. Collective Bargaining will become impossible if, whenever Trade Unionists are warned not to accept employment from a particular firm for any reason whatsoever, the Trade Union officials can be harassed by writs, cast in damages, and driven into bankruptcy. Unfortunately, the present generation of Trade Unionists, not excluding the responsible officials, are not alive to the gravity of the legal situation. They will presently find, if we are not mistaken, that the argument of the Court of Appeal can be applied much farther than has yet appeared. The most peaceful picketing may become unlawful and can be stopped by injunction, if the employer merely issues a writ claiming damages against a Trade Union official for withdrawing the workmen. In one case already an aggrieved employer has actually induced the Courts to issue an injunction against picketing as such, as if this were any more illegal than abstaining from purchasing. But this is not all. There is always the possibility of the vague and elastic law of libel being brought to bear on Collective Bargaining. If the judges hold that the ordinary objects of Trade Unionism do not amount to such a motive for the exercise of actual personal rights, as will take that exercise out of the character of "legal malice," the mere announcement to the members of a Union, in its official circular, that a particular firm is a "closed house," where Trade Unionists are advised not to work, may lead to an action for damages by the firm in question (see Trollope's case, 72 L.T. 342); and any expression in which a jury chooses to find an innuendo may lead to an adverse verdict.

the conspirators but at best a desire to help their fellow-workmen; and the law does not yet recognise altruism to this extent l"—Labor in its Relations to Law, by F. J. Stimson, p. 92 (New York, 1895), and the Handbook to the Labor Law of the United States (New York, 1896), by the same author.

of the United States (New York, 1896), by the same author.

1 "The principle of acknowledging every man's right to trade freely has been applied by the Courts in a sense which has accorded to combined capitalists a privilege not granted to the Trade Union."—The Hon. A. Lyttelton, "The Law of Trade Combinations," in A Policy of Free Exchange, p. 291.

<sup>8</sup> J. Lyons & Son v. Wilkins, 1896, 1 Ch. 811.

The decisions to which we have referred, though they amount at present to an authoritative statement of the law, have excited animadversion among lawyers; and some jurists of eminence, such as Sir Frederick Pollock, have expressed doubts whether they will be upheld by the House of Lords. The law lords themselves are known to be sharply divided on the question, and their judgment is still withheld owing to this difference of opinion. The philosophy of the question appears to us to be simple. If the community thinks it desirable to let the conditions of labor be settled by bargaining, each party must be left to be the judge of what is for its own interest, and to seek that interest by combination, even to the detriment of others. It is a mockery of justice, on the one hand, to accord to workmen, in order that they may exact better terms from their employers, the abstract right of combining to refuse to work; and, on the other hand, to cast them in damages when they lawfully and peacefully exercise that right to the detriment of the other party to the bargain, or even third persons. Trade Unionists, it is clear, must be accorded, in the domain of civil procedure, what has long since been conceded to them in criminal law. If a workman is allowed the option, to the detriment of his employer, of refusing to continue in his service unless certain conditions are granted; if, moreover, this option extends to freedom to refuse to work with unpopular associates, it is impossible, now that the right of combination has been unreservedly conceded by Parliament, to prevent the same option being collectively exercised by the combination of workmen acting through their duly appointed agents. The fact that this use of the right of combination causes pecuniary damage to the employer, or to other persons, whether customers, employers, or workmen, is no more argument against it than the corresponding fact that a gigantic modern enterprise seriously reduces the profits of the middleman, ruins its smaller rivals, and finally raises the price to the consumer. It may well be that combinations of workmen, or combinations of capitalists, lawfully and peacefully pursuing what they conceive to be their own corporate or class interest, will insist on terms in their bargains which are detrimental, not only to other parties, but also to the common weal. In that case the remedy is not to shackle one of the contracting parties by civil liabilities to individuals who may feel aggrieved by the exercise of the right, but to protect the community from such consequences of legal freedom of contract by definitely prescribing, by Factory Act or otherwise, any conditions of employment or trade that are deemed necessary in the public interest.

## APPENDIX II1

THE BEARING OF INDUSTRIAL PARASITISM AND THE POLICY OF A NATIONAL MINIMUM ON THE FREE TRADE CONTROVERSY

THE existence of parasitic trades supplies the critic of international Free Trade with an argument which has not yet been adequately met. To the enlightened patriot, ambitious for the utmost possible development of his country, it has always seemed a drawback to Free Trade, that it tended, to a greater or lesser extent, to limit his fellow-countrymen's choice of occupation. Thus, one community, possessing great mineral wealth, might presently find a large proportion of its population driven underground; another might see itself doomed to become the mere stock-yard and slaughter-house of the world; whilst the destiny of a third might be to have its countryside depopulated, and the bulk of its citizens engaged in the manufacture, in the slum tenements of great cities, of cheap boots and ready-made clothing for the whole habitable To this contention the answer has usually been that the specialisation of national function, whilst never likely to be carried to an extreme, was economically advantageous all round. Such a reply ignores the possibility of industrial parasitism. If unfettered freedom of trade ensured that each nation would retain the industry in which its efficiency was highest, and its potentialities were greatest, this international "division of labor" might be accepted as the price to be paid for getting every commodity with the minimum of labor. But under unfettered freedom of competition there is, as we have seen, no such guarantee. Within a trade, one district may drive all the rest out of the business, not by reason of any genuine advantage in productive efficiency, but merely because the workers in the successful district get some aid from the rates or from other sources. Within a community, too, unless care be

<sup>&</sup>lt;sup>1</sup> See Part III. chap. ni. "The Economic Characteristics of Trade Unionism."

taken to prevent any kind of parasitism, one trade or one process may flourish and expand at the expense of all the rest, not because it is favored by natural advantages or acquired capacity, but merely by reason of some sort of "bounty." Under Free Trade the international pressure for cheapness is always tending to select, as the speciality of each nation in the world-market, those of its industries in which the employers can produce most cheaply. If each trade were self-supporting, the increased efficiency of the regulated trades would bring these easily to the top, notwithstanding (or rather, in consequence of) the relatively high wages, short hours, and good sanitary conditions enjoyed by their operatives. If, however, the employers in some trades can obtain labor partially subsisted from other sources, or if they are free to use up in their service not only the daily renewed energy, but also the capital value of successive relays of deteriorating workers, they may well be able to export more cheaply than the self-supporting trades, to the detriment of these, and of the community itself. And this, as we have seen, is the direct result of the very freedom of Individual Bargaining on which the Free Traders rely. Indeed, if we follow out to its logical conclusion the panacea of unlimited freedom of competitive industry both within the country and without, we arrive at a state of things in which, out of all the various trades that each community pursues, those might be "selected" for indefinite expansion, and for the supply of the world-market, in which the employers enjoyed the advantage of the greatest bounty; those, for instance, which were carried on by operatives assisted from other classes, or, still worse, those supplied with successive relays of necessitous wage-earners standing at such a disadvantage in the sale of their labor that they obtained in return wages so low and conditions so bad as to be positively insufficient to maintain them permanently in health and efficiency. Instead of a world in which each community devoted itself to what it could do best, we should get, with the "sweated trades," a world in which each community did that which reduced its people to the lowest degradation. Hence the Protectionist is right when he asserts that, assuming unfettered individual competition within each community, international free trade may easily tend, not to a good, but to an exceedingly vicious international division of labor.

This criticism is not dealt with, so far as we are aware, in any of the publications of the Cobden Club, nor by the economic defenders of the Free Trade position. Thus, Professor Bastable, in his lucid exposition of *The Theory of International Trade* (2nd edition, London, 1897), assumes throughout that the prices of commodities

in the home market, and thus their relative export, will vary according to the actual "cost of production," instead of merely according to their "expenses of production," to the capitalist entrepreneur. Yet it is evidently not the sum of human efforts and sacrifices involved in the production that affects the import or export trade, but simply the expenses that production involves to the capitalist. This absence of any reference to the possibility of the cheapness being due to underpaid (because subsidised or deteriorating) labor, enables Professor Bastable optimistically to infer (p. 18) that "the rule is that each nation exports those commodities for the production of which it is specially suited." Similarly Lord Farrer, in The State in its Relation to Trade (London, 1883), when stating the argument against Protection, simply assumes (p 134) that the industry for which the country is specially suited pays higher wages than others. "One thing is certain, viz. that we cannot buy the French or Swiss ribbons without making and selling something which we can make better and cheaper than ribbons, and which consequently brings more profit to our manufacturer, and better wages to our workmen." And Mr. B. R. Wise, seeking in his Industrial Freedom to revise and restate the Free Trade argument in the light of practical experience, is driven to warn his readers that "it cannot be too often repeated that the competition of abstract political economy -that competition through which alone political economy has any pretension to the character of a science—is a competition between equal units," . . . and nothing could be further from the truth than to suppose that "free competition" in the labor market bore any resemblance to the competition between equal units that the current expositions of Free Trade theory required.1

But though the existence of parasitic trades knocks the bottom out of the argument for laisser faire, it adds no weight to the case for a protective tariff. What the protectionist is concerned about is the contraction of some of his country's industries; the evil revealed by our analysis is the expansion of certain others. The advocate of a protective tariff aims at excluding imports; the opponent of "sweating," on the other hand, sees with regret the rapid growth of particular exports, which imply the extension within the country of its most highly subsidised or most parasitic industries. Hence, whatever ingenious arguments may be found in favor of a protective tariff, such a remedy fails altogether to cope with this

<sup>1</sup> B. R. Wise, Industrial Freedom (London, 1882), pp. 13, 15.

For any adequate presentment of the case against international free trade, the student must turn to Germany or the United States, notably to Friedrich List, The National System of Political Economy, published in Germany in 1841, and

particular evil. If the expansion of the industries which England pursues to the greatest economic advantage—say, for instance, coal mining and shipbuilding, textile manufacture and machine-making -is being checked, this is not because coal and ships, textiles and machinery are being imported into England from abroad, but because other less advantageous industries within England itself, by reason of being favored with some kind of bounty, have secured the use of some of the nation's brains and capital, and some of its export This diversion would clearly not be counteracted by putting an import duty on the small and exceptional amounts of coal and shipping, textiles and machinery that we actually import, for this would leave unchecked the expansion of the subsidised trades, which, if the subsidy were only large enough, might go on absorbing more and more of the nation's brains and capital, and more and To put it concretely, England might more of its export trade. find its manufactures and its exports composed, in increasing proportions, of slop clothing, cheap furniture and knives, and the whole range of products of the sweated trades, to the detriment of its present staple industries of cotton and coal, ships and machinery In the same way, every other country might find its own manufactures and its own exports increasingly made up of the products of its own parasitic trades. In short, the absolute exclusion by each country of the imports competing with its own products would not, any more than Free Trade itself, prevent the expansion within the country of those industries which afforded to its wage-earners the worst conditions of employment.1

A dim inkling of this result of international competition is at the back of recent proposals for the international application of the Device of the Common Rule. During the past seven years statesmen have begun to feel their way towards an international uniformity of factory legislation, so as to make all cotton mills, for instance, work identical hours, and workmen are aspiring to an international

translated by Sampson Lloyd (London, 1885) and the works of H. C. Carey. The arguments of List and Carey were popularised in America by such writers as Professor R. E. Thompson, Political Economy with Especial Reference to the Industrial History of Nations (Philadelphia, 1882), H. M. Hoyt, Protection and Free Trade the Scientific Validity and Economic Operation of Defensive Duties in the United States, 3rd edition (New York, 1886); whilst another line has been taken by Francis Bowen, American Political Economy. The whole position has been restated by Professor Patten, in The Economic Basis of Protection (Philadelphia, 1890), and other suggestive works which deserve more attention in England.

1 It is unnecessary to notice the despairing suggestion that a protective duty should be placed on the products of the sweated trades themselves. But these,

Trade Unionism, by means of which, for example, the coalminers, cotton-operatives, glass-workers, or dock-laborers of the world might simultaneously move for better conditions. If, indeed, we could arrive at an International Minimum of education and sanitation, leisure and wages, below which no country would permit any section of its manual workers to be employed in any trade whatsoever, industrial parasitism would be a thing of the past. But internationalism of this sort—a "zollverein based on a universal Factory Act and Fair Wages clause"-is obviously Utopian. What is not so generally understood, either by statesmen or by Trade Unionists, is that international uniformity of conditions within a particular trade, which is all that is ever contemplated, would do little or nothing to remedy the evil of industrial parasitism. this matter, as in others, a man's worst foes are those of his own household. Let us imagine, for instance, that, by an international factory act, all the cotton mills in the world were placed upon a uniform basis of hours and child-labor, sanitation and precautions against accidents. Let us carry the uniformity even a stage further, and imagine what is impossible, an international uniformity of wage in all cotton mills. All this would in no way prevent a diversion of the nation's brains and capital away from cotton manufacture to some other industry, in which, by reason of a subsidy or bounty, the employer stood at a greater relative advantage towards the home or foreign consumer. The country having the greatest natural advantages and technical capacity for cotton manufacture would doubtless satisfy the great bulk of the world's demand for cotton goods. But, if there existed within that same country any trades carried on by parasitic labor, or assisted by any kind of bounty, it would obtain less of the cotton trade of the world than would otherwise be the case; the marginal business in cotton would tend to be abandoned to the next most efficient country, in order that some brains and capital might, to the economic loss of the nation and of the world, take advantage of the subsidy or bounty. 1 We see,

as we have seen (if they are really parasitic industries like the wholesale clothing manufacture, and not merely self-supporting but unprogressive industries like English agriculture), will usually be exporting trades, not subject to the competition of foreign imports. Merely to put an import duty on the odds and ends of foreign-made clothing or cheap knives that England imports would in no way strengthen the strategic position, as against the employer, of the sweated outworkers of East London or Sheffield, or render the respectable young women of Leeds less eager to be taken on at a pocket-money wage in the well-appointed clothing factories of that city.

<sup>1</sup> This hypothetical case is, we believe, not unlike the actual condition of the cotton manufacture in the United Kingdom at the present time, in spite of the absence of international uniformity.

therefore, that even an international uniformity of conditions within a particular trade would not, in face of industrial parasitism at home, prevent the most advantageously situated country from losing a portion of this uniformly regulated trade. The parasitic trades have, in fact, upon the international distribution of industry, an effect strictly analogous to that which they have upon the home trade. By ceding as a bribe to the consumer the bounty or subsidy which they receive, they cause the capital, brains, and labor of the world to be distributed, in the aggregate, in a less productive way than would otherwise have been the case.

We can now see that the economists of the middle of the century only taught, and the Free Trade statesmen only learnt, one-half of their lesson. They were so much taken up with the idea of removing the fiscal barriers between nations that they failed to follow up the other part of their own conception, the desirability of getting rid of bounties of every kind. M'Culloch and Nassau Senior, Cobden and Bright, realised clearly enough that the grant of money aid to a particular industry out of the rates or taxes enabled that industry to secure more of the nation's brains and capital, and more of the world's trade, than was economically advantageous. They even understood that the use of unpaid slave labor constituted just such a bounty as a rate in aid of wages. But they never clearly recognised that the employment of children, the overwork of women, or the payment of wages insufficient for the maintenance of the operative in full industrial efficiency stood, economically, on the same footing. If the object of "Free Trade" is to promote such a distribution of capital, brains, and labor among countries and among industries, as will result in the greatest possible production, with the least expenditure of human efforts and sacrifices, the factory legislation of Robert Owen and Lord Shaftesbury formed as indispensable a part of the Free Trade movement as the tariff reforms of Cobden and Bright. "During that period," wrote the Duke of Argyll of the nineteenth century,1 "two great discoveries have been made in the Science of Government: the one is the immense advantage of abolishing restrictions upon Trade; the other is the absolute necessity of imposing restrictions on labor. . . . And so the Factory Acts, instead of being excused as exceptional, and pleaded for as justified only under extraordinary conditions, ought to be recognised as in truth the first legislative recognition of a great Natural Law, quite as important as Freedom of Trade, and which, like this last, was yet destined to claim for itself wider and wider application "

<sup>1</sup> The Reign of Law (London, 1867), pp. 367, 399.

Seen in this light, the proposal for the systematic enforcement, throughout each country, of its own National Minimum of education, sanitation, leisure, and wages, becomes a necessary completion of the Free Trade policy. Only by enforcing such a minimum on all its industries can a nation prevent the evil expansion of its parasitic trades being enormously aggravated by its international And there is no advantage in this National Minimum being identical or uniform throughout the world. Paradoxical as it may seem to the practical man, a country enforcing a relatively high National Minimum would not lose its export trade to other countries having lower conditions, any more, indeed, than a country in which a high Standard of Life spontaneously exists, loses its trade to others If the relatively high National in which the standard is lower. Minimum caused a proportionate increase in the productive efficiency of the community, it would obviously positively strengthen its command of the world market. But even if the level of the National Minimum were, by democratic pressure, forced up farther or more rapidly than was compensated for by an equivalent increase in national efficiency, so that the expenses of production to the capitalist employer became actually higher than those in other countries, this would not stop (or even restrict the total of) our exports. "General low wages," emphatically declare the economists, "never caused any country to undersell its rivals, nor did general high wages ever hinder it from doing so." 1 So long as we continued to desire foreign products, and therefore to import them in undiminished quantity, enough exports would continue to be sent abroad to discharge our international indebtedness. should, it is true, not get our tea and foodstuffs, or whatever else we imported, so cheaply as we now do; the consumer of foreign goods would find, indeed, that these had risen in price, just as English goods had. If we ignore the intervention of currency, and imagine foreign trade to be actually conducted, as it is virtually, by a system of barter, we shall understand both this rise of price of foreign goods, and the continued export of English goods, even when they are all dearer than the corresponding foreign products. For the English importing firms, having somehow to discharge their international indebtedness, and finding no English products which they can export at a profit, will be driven to export some even at a loss—a loss which, like the item of freight or any other expense of carrying on their business, they will add to the price charged to the consumer of foreign imports. They will, of course, select for export

<sup>&</sup>lt;sup>1</sup> J. S. Mill, Principles of Political Economy, Book III. chap. xxv. § 4 p. 414 of 1865 edition.

those English products on which the loss is least—that is to say, those in which England stands at relatively the greatest advantage or, what comes to the same thing, the least disadvantage. fore, if the rise in the expense of English production were uniform, not only the total, but also the distribution of our exports would remain unaffected. The foreign consumer, by reason of the cheapness of production of his own goods, will then be getting Englishmade goods at a lower price than would otherwise be the case—it may be, even a lower price than the Englishman is buying them at in his own country—just as the Englishman at the present time buys American products in London at the comparatively low level of English prices, and sometimes actually cheaper than they are sold at in New York. For this process of exporting at an apparent loss, as a set-off against a profitable import trade, actually takes place, now in one country, now in another. It sometimes happens that the same firm of merchants both exports and imports: more usually, however, the compensatory process is performed through the banking houses, and manifests itself in those fluctuations of the foreign exchanges, which, though clear enough to the eye of the practical financier and the economist, shroud all the processes of international exchange from the ordinary man by a dense veil of paradox.

The practical check to a rise in the National Minimum comes, indeed, not from the side of international trade, but, as we have already explained, from the home taxpayer and the home consumer. Every rise in the National Minimum not compensated for by some corresponding increase in the efficiency with which the national industry was carried on would imply an increase in the number of the unemployable, and thus in the Poor Rate or other provision for their maintenance; and every increase in the expenses of production would be resented as a rise in price by the bulk of the population. The lowlier grades of labor, employing a majority of the citizens, would clearly benefit by the improvement which the rise would cause in their own conditions. Other grades of producers, including the brain-working directors of industry, would find their own "rent" of specialised or otherwise exceptional faculty undiminished, even if they had to pay away more of it in taxes and higher prices. The great and growing army of officials on fixed incomes would loudly complain of the increased cost of living, which would presently be met by a rise in salaries. But the real

When, for instance, the export of gold is prohibited, or when all the gold has already been sent away; or when, for any reason, less expensive ways of discharging a balance of indebtedness do not exist.—See Goschen's Theory of the Foreign Exchanges, or Clare's A.B.C. of the Foreign Exchanges.

sufferers would be the rentier class, existing unproductively on their investments. These persons would be hit both ways: they would find themselves, by increased taxation, saddled with most of the cost of the unemployable, and by higher prices, charged with at least their share of the increase in the nation's wage-bill. Such a practical diminution in the net income of the dividend-receiving classes would, from Ricardo down to Cairnes, have been supposed to correct itself by a falling off in their rate of saving, and therefore, as it was supposed, in the rate of accumulation of additional capital. as we have seen, can no longer be predicted, even if we cannot yet bring ourselves to believe, with Sir Josiah Child and Adam Smith, that the shrinking of incomes from investments would actually quicken production and stimulate increased accumulation. What it might conceivably do would be to drive the rentier class to live increasingly abroad, with indirect consequences which have to be considered.

We have hitherto lest on one side the possible migration of capital from a country, in which the National Minimum had been unduly raised, to others in which labor could be hired more cheaply. This is hindered, to an extent which we do not think is sufficiently appreciated, by the superior amenity of English life to the able business man. So long as our captains of industry prefer to live in England, go abroad with reluctance even for high salaries, and return to their own country as soon as they possibly can, it will pay the owners of capital to employ it where this high business talent is found. The danger to English industrial supremacy would seem to us, therefore, to he in any diminution of the attractiveness of hife in England to the able brain-working Englishman. An increase in the taxation of this class, or a rise in the price of the commodities they consume, is not of great moment, provided that facilities exist for them to make adequate incomes; and these rewards of exceptional talent are, it will be remembered, in no way diminished by the Device of the Common Rule. But any loss of public consideration, or any migration of their rentier friends or relations, might conceivably weaken their tie to England, and might, therefore, need to be counteracted by some increase in their amenities or rewards. 1 Our own opinion is that this increased amenity, and also this increased reward of exceptional ability, would actually be the result of a high National Minimum. It is difficult for the Englishman of to-day to form any

<sup>1</sup> It would be interesting to inquire how far the fatal "absenteersm" of Ireland's men of genius has been caused or increased by the reduction of Dublin from the position of a wealthy and intellectual capital to that of a second-rate provincial town.

adequate idea of how much pleasanter English life would be if we were, once for all, rid of the slum and sweating den, and no class of workers found itself condemned to grinding poverty; if science had so transformed our unhealthy trades that no section of the population suffered unnecessarily from accident or disease; and if every grade of citizens was rapidly rising in health, intelligence, and character.

It follows that each community is economically free, without feat of losing its foreign trade, to fix its own National Minimum, according to its own ideas of what is desirable, its own stage of industrial development, and its own customs of life. The course and extent of international trade—if we imagine all fiscal barriers to be removed, and all bounties to be prevented—is, in fact, determined exclusively by the desires of the world of consumers, and the actual faculties and opportunities of the producers in the different countries; not by the proportion in which each nation chooses to share its National Dividend between producers and property-owners. Each community may, therefore, work out its own salvation in the way it thinks best. The nation eager for progress, constantly raising its National Minimum, will increase in productive efficiency, and steadily rise in health and wealth. But it will not thereby interfere with the course chosen by others. The country which honors Individual Bargaining may reject all regulation whatsoever, and let trade after trade become parasitic; but it will not, by its settling down into degradation, gain any aggregate increase in international trade, or really undermine its rivals.1 Finally, the nation which prefers to be unprogressive, but which yet keeps all its industries self-supporting, may, if circumstances permit its stagnation, retain its customary organisation, and yet continue to enjoy the same share in international commerce that it formerly possessed.

1 Let us suppose, for instance, that the capitalists in the United States so far strengthen their position as to put down all combinations of the wage-earners, annul all attempts at factory legislation, and, in fact, prohibit every restriction on Individual Bargaining as a violation of the Constitution. The result would doubtless be a proletarian revolution. But assuming this not to occur, or to be suppressed, and the rule of the Trusts to be unchecked, we should expect to see the conditions of employment in each trade fall to subsistence level, and with the advance of population, stimulated by this hopeless poverty, even below the standard necessary for continued efficiency. The entire continent of America might thus become parasitic, and successive generations of capitalists, served by a hierarchy of brain-working agents, might use up for their profit successive generations of degenerate manual toilers, until these were reduced to the level of civilisation of the French peasants described by La Bruyére. But the total international trade of America would not be thereby increased; on the contrary, it would certainly be diminished as the faculties of the nation declined.

# APPENDIX III1

SOME STATISTICS BEARING ON THE RELATIVE MOVEMENTS OF THE MARRIAGE AND BIRTH-RATES, PAUPERISM, WAGES, AND THE PRICE OF WHEAT.

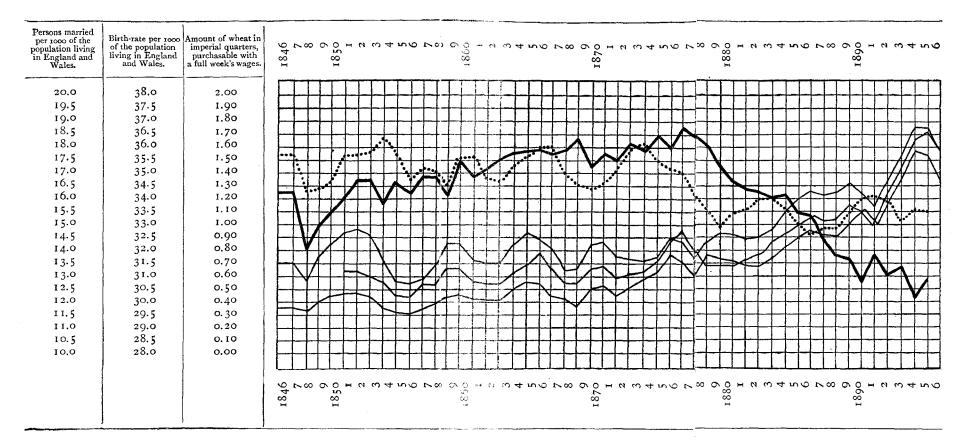
In connection with the relation of the number of births to the number of marriages, and the connection of one or both of these with the price of wheat, the amount of pauperism, or the rate of wages, the following diagram and table may be of interest.

We have placed side by side the number of persons, per thousand of the population in England and Wales, who were married or born in each year from 1846 to 1895 inclusive; the number simultaneously in receipt of Poor Law relief on one day in each of the years 1849 to 1895 inclusive; and the average recorded price of wheat per imperial quarter for each year from 1846 to 1896. are the ordinary statistics of the Registrar-General's Reports. To them we have added the weekly wages from 1846 to 1896 actually paid to the engineman at a small colliery in the Lothians, taken from the colliery books. Where the rate was altered during any year, the average of the fifty-two weekly rates of that year has been calculated. We have also added columns showing the Trade Union Standard Rate for Stonemasons in Glasgow from 1851 to 1896, averaged in the same manner, and that for Compositors in London from 1846 to 1896, the latter (the "Stab" or time wages) changing so rarely that it has been taken as constant for each year. And in order to give some rough idea of the amount of real wages, to which these money wages have been equivalent, we have in each case reckoned out the "wages in wheat," the amount of wheat that the Lothians Engineman, the Glasgow Stonemason, and the London Compositor could have purchased each year with a full week's wages. This does not, of course, express the "real wages" with any precision,

<sup>1</sup> See Part III. chap. i. "The Verdict of the Economists."

for whilst the price of wheat has moved predominantly in one direction, the amount paid by the workmen for meat and house-rent has certainly moved considerably in the other. It must be remembered, too, that no allowance has been made for "lost time," periods of unemployment, and other deductions. The wages of the Engineman are practically continuous throughout the year. Stonemason, on the other hand, is necessarily idle in the months of frost, and probably loses more, even in the summer, by deductions of one kind and another, than he gains by "overtime." London Compositor may be either employed with great constancy, or be intermittently out of work. It does not seem possible to ascertain whether these irregularities are greater or less than in past times. Nor can it be assumed with certainty that the wages at different periods represent a payment for the same labor. The work of the Stonemason and the Compositor is, perhaps, not essentially different to-day from that of the corresponding classes fifty years ago; the higher standard of speed and intensity now required being set off against the reduction of the weekly hours. On the other hand, the development of steam engines, and the increased speed and complexity of their working, have transformed the Engineman into a skilled and responsible mechanic, who is now claiming to be a certificated professional.

The diagram and table of figures have been prepared by Mr F. W. Galton:—



Dotted line .....

Persons married per 1000 of the population living in England and Wales.

Thick Black line Birth-rate per 1000 of the population living in England and Wales.

Thin Black lines \_\_\_\_ Highest line. -- Average number of quarters of wheat purchasable with the weekly wages of a London

Compositor, calculated at the Standard Trade Union Rate.

Middle line.—Average number of quarters of wheat purchasable with the weekly wages of a Glasgow Stonemason, calculated at the Standard Trade Union Rate.

Lowest line.—Average number of quarters of wheat purchasable with the actual weekly earnings of an Engineman at a Colliery in the Lothians.

| Year. | Persons<br>married per<br>1000 of popu-<br>lation living<br>England and<br>Wales. | Persons born<br>per 1000 of<br>population<br>living<br>England and<br>Wales. | persons liv-<br>ing, in receipt<br>of Poor Law | Average re-<br>corded price<br>of wheat per<br>quarter in<br>England and |    | Engineman in |    | wheat pur-<br>chasable with<br>the Engine-<br>man's wages | wages per<br>week of |     | Quarters of<br>wheat pur-<br>chasable by<br>the wages of<br>Stonemason<br>Glasgow<br>per week. |    |    | Quarters of<br>wheat pur-<br>chasable with<br>wages of<br>Compositor<br>London per<br>week | Year |
|-------|---|--|--|--|----|--------------|----|---|----------------------|-----|--|----|----|--|------|
|       |   |  |  | 8.   | d, | 3.           | d. |   |                      | d.  |  | 5. | đ. |  |      |
| 1846  | 17.2  | 33.8   |  | 54   | 8  | 14           | 4  | 0.26  | ٠.                   | . [ | •••  | 33 | 0  | 0 60   | 1846 |
| 1847  | 15.8  | 31.5   |  | 69   | 9  | , 16         | 0  | 0,23  | ٠.                   | .   | •••  | 33 | 0  | 0.47   | 1847 |
| 1848  | 15.9  | 32.4   | <b>!</b>                                       | 50   | 6  | 15           | 0  | 0.30  | ١.                   | .   | •••  | 33 | 0  | 0.65   | 1848 |
| 1849  | 16.2  | 329  | 62.0   | 44   | 3  | . 12         | 0  | 0.34  | ١.                   | .   | •••  | 33 | 0  | 075  | 1849 |
| 1850  | 17.2  | 33.4   | 56.7   | 40   | 3  | 15           | 0  | 0.37  |                      | .   |  | 33 | 0  | 0.82   | 1850 |
| 1851  | 17.2  | 34 2   | 52.4   | 38   | 6  | 14           | 6  | 0.38  | 20                   | 6   | 0.53   | 33 | 0  | 0.86   | 1851 |
| 1852  | 17.4  | 34 2   | 530  | 40   | 10 | 14           | 5  | 0.35  | 20                   | 6   | 050  | 33 | 0  | 18.0   | 1852 |
| 1853  | 17.9  | 33 3   | 48.2   | 53   | 3  | 14           | 3  | 0.27  | 25                   | 0   | 0.47   | 33 | 0  | 0.62   | 1853 |
| 1854  | 17.2  | 34 1   | 464  | 72   | 5  | 15           | 0  | 0.21  | 25                   | 0   | 0 35   | 33 | 0  | 0.46   | 1854 |
| 1855  | 16.2  | 337  | 47.7   | 74   | 8  | 15           | 7  | 0.21  | 25                   | 0   | 0.33   | 33 | 0  | 0.44   | 1855 |
| 1856  | 16.7  | 34.4   | 48 2   | 69   | 2  | 16           | 8  | 0.24  | 30                   | 0   | 0.43   | 33 | 0  | 0 48   | 1856 |
| 1857  | 16.5  | 34 4   | 446  | 56   | 4  | 16           | 2  | 0.29  | 23                   | 9   | 0.42   | 33 | 0  | 0.59   | 1857 |
| 1858  | 16.0  | 337  | 44.7   | 44   | 2  | 15           | 1  | 0.34  | 25                   | 0   | 0.57   | 33 | 0  | 0.75   | 1858 |
| 1859  | 17.0  | 35.0   | 41.5   | 43   | 9  | 16           | 3  | 0 37  | 25                   | 0   | 0.57   | 53 | 0  | 0.75   | 1859 |
| 1860  | 17.1  | 34.3   | 40. I  | 53   | 3  | 17           | o  | 0 32  | 25                   | 0   | 0.47   | 33 | 0  | 0.62   | 1860 |
| 1861  | 163   | 346  | 41.9   | 55   | 4  | 17           | 0  | 0 31  | 23                   | 9   | 0.43   | 33 | 0  | 060  | 1861 |
| 1862  | 16.1  | 35.0   | 46.7   | 55   | 5  | 17           | 2  | 0.31  | 23                   | 9   | 0.43   | 33 | ٥  | 0.60   | 1862 |
| 1863  | 16.8  | 35.3   | 480  | 44   | 9  | 18           | ٥  | 0.40  | 23                   | 9   | 0.53   | 33 | 0  | 0.74   | 1863 |
| 1864  | 17.2  | 35.4   | 438  | 40   | 2  | 18           | 2  | 0.45  | 23                   | 9   | 0.59   | 33 | ٥  | 082  | 1864 |
| 1865  | 17.5  | 35.4   | 41.9   | 41   | 10 | 18           | 0  | 0.43  | 28                   | 6   | 0.68   | 33 | 0  | 079  | 1865 |
| 1866  | 17.5  | 35 2   | 405  | 49   | 11 | 17           | 8  | 0.35  | 27                   | 7   | 0.55   | 36 | 0  | 0.72   | 1866 |
| 1867  | 165   | 354  | 42.5   | 64   | 5  | 19           | 8  | 0.31  | 28                   | 8   | 0.45   | 36 | 0  | 0.55   | 1867 |

| 1868 | 16.1 | 35.8  | 43.6 | 63 9   | 17 9  | 0,28             | 28 8  | 0.45 | 36 0 |      | 1868 |
|------|------|-------|------|--------|-------|------------------|-------|------|------|------|------|
| 1869 | 159  | 34 8  | 43 4 | 48 2   | 19 4  | 0 40             | 27 7  | o 57 | 36 0 | 0.75 | 1869 |
| 1870 | 16.1 | 35 2  | 43.5 | 46, 10 | 20 0  | 0.43             | 27 7  | 0.59 | 36 o | 1    | 1870 |
| 1871 | 16.7 | 350   | 41.6 | 56 8   | 20 0  | 0.35             | 27 7  | 0.49 | 36 o |      | 1871 |
| 1872 | 17.4 | 35.6  | 36.9 | 57 0-  | 23 4  | 041              | 29 9  | 0.52 | 36 0 | 1    | 1872 |
| 1873 | 17.6 | 35-4  | 33.9 | 58 8   | 28 11 | 0 49             | 31 10 | 0.54 | 36 o |      | 1873 |
| 1874 | 17.0 | 36.0  | 31.5 | 55 8   | 30 0  | 0 54             | 34 0  | 0.61 | 36 o |      | 1874 |
| 1875 | 16.7 | 35-4  | 29.7 | 45 2   | 29 8  | o 66             | 36 I  | 0 80 | 36 o |      | 1875 |
| 1876 | 16.5 | 36.3  | 27.5 | 46 z   | 28 2  | 16.0             | 40 4  | o 87 | 36 0 | •    | 1876 |
| 1877 | 15.7 | 36.0  | 27.0 | 56 9   | 28 6  | 0.50             | 40 4  | 071  | 36 0 | 1    | 1877 |
| 1878 | 152  | 35.6  | 273  | 46 5   | 31 0  | 0.67             | 27 7  | 0.59 | 36 0 | ,    | 1878 |
| 1879 | 14.4 | 34.7  | 29.0 | 43 10  | 27 5  | 0 62             | 25 6  | 0.58 | 36 0 |      | 1879 |
| 1880 | 149  | 34 2  | 284  | 44 4   | 26 IO | 100              | 25 6  | o 58 | 36 0 | 0.81 | 1880 |
| 1881 | 15.1 | 339   | 28 2 | 45 4   | 26 3  | 0 58             | 27 7  | 061  | 36 0 |      | 1881 |
| 1882 | 15.5 | 33.8  | 27.2 | 45 1   | 26 3  | 0 58             | 29 9  | 0.66 | 36 0 |      | 1882 |
| 1883 | 155  | 33 5  | 26.7 | 41 7   | 25 9  | 0 62             | 31 10 | 0.77 | 36 0 | 1    | 1883 |
| 1884 | 15.1 | 33.6  | 260  | 35 8   | 25 9  | 0.72             | 29 9  | o 83 | 36 0 | 101  | 1884 |
| 1885 | 14.5 | 32.9  | 260  | 32 10  | 26 2  | 080              | 29 9  | 091  | 36 0 |      | 1885 |
| 1886 | 14.2 | 32.8  | 266  | 31 0   | 26 3  | 0 85             | 29 9  | o 96 | 36 0 |      | 1886 |
| 1887 | 14.4 | 31.9  | 26.2 | 32 6   | 26 3  | 18.0             | 29 9  | 0.92 | 36 0 | 1.11 | 1887 |
| 1888 | 14.4 | 31.2  | 260  | 31 10  | 25 4  | 0.8 <del>0</del> | 29 9  | 0 93 | 36 0 |      | 1888 |
| 1889 | 15.0 | 31.1  | 250  | 29 9   | 26 11 | 0.90             | 30 10 | 1.04 | 36 0 | 1    | 1889 |
| 1890 | 15.5 | 30,2  | 238  | 31 11  | 31 10 | 1.00             | 31 10 | 1,00 | 36 0 |      | 1890 |
| 1891 | 15.6 | 31.4  | 228  | 37 0   | 33 2  | 0 90             | 32 11 | 0.89 | 38 0 | , ,  | 1891 |
| 1892 | 15.4 | 30.5  | 22.7 | 30 3   | 33 3  | 1.10             | 35 I  | 1.16 | 38 0 |      | 1892 |
| 1893 | 14.7 | 30 8  | 232  | 26 4   | 32 10 | 1.25             | 36 I  | 1.37 | 38 0 |      | 1893 |
| 1894 | 15.1 | 296   | 23.4 | 22 10  | 33 10 | 1 48             | 36 I  | 1 58 | 38 0 |      | 1894 |
| 1895 | 150  | 30 4  | 24.3 | 23 I   | 33 3  | 1.44             | 37 2  | 1.61 | 38 0 | , ,  | 1895 |
| 1896 | ***  |       | ,,,, | 26 2   | 33 3  | I 27             | 38 3  | 1.46 | 38 0 | 1.45 | 1896 |
|      |      | (<br> | [    | •      | 1     |                  | ( I   |      | 1    | 1    | ſ    |

#### APPENDIX IV

#### A SUPPLEMENT TO THE BIBLIOGRAPHY OF TRADE UNIONISM

THE following list of publications bearing on Trade Unionism and combinations of workmen has no special connection with the present work, and must be regarded merely as a supplement to the list, fortyfour pages in length, which formed Appendix VI. of the History of Trade Unionism. It has been prepared in the same manner as the It accordingly omits all Parliamentary Papers, for original list. which the student should consult the excellent classified catalogues issued by Messrs. P. S. King and Son of Westminster; it omits all local histories and records mentioned in the bibliography appended to vol. i. of The Gild Merchant by Dr. Gross; and it makes no attempt to include ordinary economic works on the one hand, or trade histories on the other. As before, we have given the reference number in the British Museum catalogue, whenever we have been able to find a copy of the work in that invaluable storehouse, and we have mentioned other libraries only when no copy could be discovered at the British Museum.

For the present work, even more than for the History of Trade Unionism, we have had to go, not to any regularly published books, but to the voluminous internal literature of the Trade Unions themselves, of which hundreds of publications are issued annually. These are still seldom collected or preserved by public libraries, though they afford most valuable material to the student of sociology. The British Labrary of Political Science (10 Adelphi Terrace, Strand, London; director, Professor W. A. S. Hewins) has now been established for the express purpose of collecting these and other materials for sociological inquiry. Our own considerable collection of manuscript extracts and printed documents relating to Trade Unionism, comparatively few of which are mentioned in the following list, has now been deposited in this library, where it can be consulted by any student.

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In this work a great deal that will be new to the ordinary citizen is brought to light. The authors show that we do a great deal of State Doctoring in England—more than is commonly realised—and that our arrangements have got into a tangle, which urgently needs straightening out. Everywhere there is a duplication of authorities, and more or less overlapping of work. We are spending out of the rates and taxes, in one way or another, directly on sickness and Public Health, a vast sum of money annually—no man knows how much, but it certainly amounts to six or seven millions sterling. Meanwhile, as is now being revealed to us, a vast amount of sickness goes altogether untreated, with the result of grave damage to our population, and unnecessary loss of productive capacity to the community as a whole.

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# THE HISTORY OF TRADE UNIONISM

Demy 8vo; Eighth Thousand; New Edition, with New Introductory
Chapter; xxxiv and 558 pp. (1907).

Price 7s.,6d. net.

This work describes, not only the growth and development of the Trade Union Movement in the United Kingdom from 1700 down to the end of the nineteenth century, but also the structure and working of the present Trade Union organisation in the United Kingdom. Founded almost entirely on material hitherto unpublished, it is not a mere chronicle of Trade Union organisation or record of strikes, but gives, in effect, the political history of the English working class during the last one hundred and fifty years. The opening chapter describes the handicraftsman in the toils of the industrial revolution, striving vainly to retain the mediæval regulation of his Standard of Life. In subsequent chapters the Place Manuscripts and the archives of the Priory Council and the Home Office enable the authors to picture the struggles of the early Trade Unionists against the Combination Laws, and the remarkable Parliamentary manipulation which led to their repeal. The private records of the various Societies, together with contemporary pamphlets and working-class newspapers, furnish a graphic account of the hitherto undescribed outburst of "New Unionism" of 1830-34, with its revolutionary aims and subsequent Chartist entanglements. In the course of the narrative we see the intervention in Trade Union history of Francis Place, Joseph Hume, J. R. M'Culloch, Nassau Senior, William the Fourth, Lord Melbourne, Robert Owen, Fergus O'Connor, Thomas Slingsby Duncombe, John Bright, the Christian Socialists, the Positivists, and many living politicians. The hidden influence of Trade Unionism on English politics is traced from point to point, new light being incidentally thrown upon the defeat of Mr. Gladstone's Government in 1874. A detailed analysis is given of the economic and political causes which have, since 1880, tended to divorce the

Trade Union Movement from its alliance with "official Liberalism." A new introductory chapter brings the story down to the last few years. The final chapter describes the Trade Union world of to-day in all its varied features, including a realistic sketch of actual Trade Union life by a Trade Union Secretary, and a classified census founded on the authors' investigations into a thousand separate Unions in all parts of the country. A coloured map represents the percentage which the Trade Unionists bear to the population of each county. A bibliography of Trade Union literature is appended (which, together with that given in *Industrial Democracy*, affords a unique index of almost every available source of information).

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Demy 8vo; Seventh Thousand; New Edition in 1 vol., with New Introductory Chapter; Ixi and 929 pp. (1907), with Two Diagrams.

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## ADVERTISEMENT

In this work the authors of The History of Trade Unionism deal, not with the past, but with the present. They describe, with the systematic detail of the scientific observer, and in the same objective spirit, all the forms of Trade Unionism, Factory Legislation, and other regulation of industry to be found within the British Isles. whole structure and function of Labour Organisations and Restrictive Legislation in every industry is analysed and criticised in a manner never before attempted. The employer in difficulties with his workmen, the Trade Unionist confronted with a new assault upon his Standard Rate, the politician troubled about a new project for Factory Legislation, the public-spirited citizen concerned as to the real issues of a labour dispute, will find elucidated in this work the very problems about which they are thinking. It is a storehouse of authenticated facts about every branch of "the Labour Question," gathered from aix years' personal investigation into every industry in all parts of the Kingdom; systematically classified; and made accessible by an unusually elaborate Index. But the book is more than an Encyclopedia on the Labour Question. Scientific examination of Trade Union structure reveals, in these thousand self-governing republics, a remarkable evolution in Democratic constitutions, which throws light on political problems in a larger sphere. The century-long experience of these working-class organisations affords unique evidence as to the actual working of such expedients as the Referendum, the Initiative, Government by Mass Meeting, Annual Elections, Proportional Representation, Payment of Members, and, generally, the relation between the citizen-elector, the chosen representative, and the executive officer. The intricate relations of trade with trade have an interesting bearing upon such problems as Local Government, Federation, and Home Rule. Those who regard the participation of a working-class electorate in the affairs of Government as the distinctive, if not the dangerous feature

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