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TRADE UNIONS AND THE LAW

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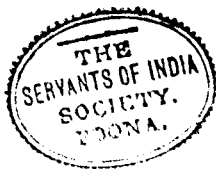
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## FOREWORD

By THE RT. HON. J. R. CLYNES, M.P.

WHATEVER our view may be of the law, there is an enormous advantage in knowing what the law is. The law may not be justice, and we may just now have no great respect for it. We may be eager to reverse it, but so long as it is the law, we should understand clearly the relation between the law and ourselves. Knowledge is power, and ignorance of the law is a limitation so serious as to afford no excuse for unpleasant consequences to those whose duty it is to understand it.

So far as a layman may judge, it is not too much to say that for nearly a century trade union law has presented a picture of ceaseless change. Decisions in the courts and Acts of Parliament have transformed or amended the relations of organised Labour to the law of the land. When British industry was a comparatively simple and less complex affair, the relations of wage-earners both to Statute law and recorded decisions were comparatively clear. In these days of far-reaching Federations of Employers and of industrial conditions of the utmost complexity, a responsibility is thrown upon workmen, and especially upon their advisers and leaders, far beyond any responsibility in a previous generation.

The arrangement and the treatment of the subjects covered in this book offer an extremely serviceable though simple exposition and narrative on all those branches of information and knowledge which must be mastered if the wage-earners are to make the best, and not the worst, of the existing situation.

I, therefore, commend this book as a volume of value far greater than the cost of it.

## PREFACE

BY SIR HENRY SLESSER, K.C., M.P.

It is generally acknowledged by legal writers that there is no task more difficult for them to perform than to produce a book which shall be both intelligible to the layman and accurate in its law.

...This difficulty is present in its highest degree in the case of the subject on which Mr. Henderson has written. The roots of trade union law are to be found in mediæval Statutes. Its recent amendment is not unconnected with our existing social problems, so that the subject at every point demands a knowledge not only of a specific legal kind but also of legal and general history. The trade union itself, like all other societies which fall between the defined personality of a corporation on the one hand and an individual on the other, presents alike to the jurist and to the practitioner problems of the greatest nicety. Its legal liabilities, its capacity to hold property, its relation to its own members and to the outside world, and its position generally in the courts, are still within the area of debatable law. To these complexities must be added the elusive doctrines of restraint of trade and conspiracy in their relation to trade unions; so that a classification of the whole position, if it be accomplished, is one which we must all welcome.

In my view, Mr. Henderson has gone farther to achieve this result than any of his predecessors. So far as the subject can be made clear, Mr. Henderson has succeeded in his task.

It is with a very real belief in the value of his work as a lucid and reliable exposition that I welcome the opportunity to introduce it to his readers.

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