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TRADE UNION LAW

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PREFACE TO THE THIRD EDITION

THE considerable changes in Trade Union Law brought about by the Trade Disputes and Trade Unions Act, 1927, are incorporated in this edition. They may be grouped under four heads : (a) Sections One, Two and Seven, which render certain classes of sympathetic strike or lock-out illegal ; (b) Section Three, which extends the definition of unlawful intimidation (formerly confined to cases of violence or threats of violence) to " reasonable apprehension of injury in respect of source of income or actionable wrong " ; (c) restriction of the rights of Trade Unions to collect funds for political purposes from members other than those who express a desire to contribute ; and (d) certain restrictions on civil servants and local authorities with regard to Trade Unions.

As regards judicial decisions since the last edition of this book, by far the most important is that of the House of Lords in *Sorrell v. Smith*, [1925] A. C. 700, which case (following the Court of Appeal in *Ware and de Freville v. Motor Trade Association*, [1921] 3 K. B. 40) has finally decided that in actions of conspiracy for interfering with the freedom of trade or labour of another it is essential, if the plaintiff is to succeed, that he must prove an intention to injure. The effect of this decision is to tend to legalise the use of black lists and boycotts where it is sought to further or defend trade or labour interests.

Other cases of importance are *Forster v. National Amalgamated Union of Shop Assistants*, [1927] 1 Ch. 539— a case which distinguishes the powers of the Court and

Registrar in deciding the propriety of political levies under the Act of 1913; *Booth's Case*, [1926] 1 Ch. 904, on the validity of amalgamations; and *Hardie and Lane, Ltd. v. Chilton* (1927), 43 T. L. R. 709, in which the Court of Appeal appear to have decided that an unregistered Trade Union cannot be sued for damages in contract or in tort in a representative action.

H. H. S.

C. B.

October, 1927.

PREFACE TO FIRST EDITION

THE legal problems which the subject of Trade Unionism produces are considerable. In the first place, the Trade Union shares with other voluntary societies that ambiguous intermediate region between the individual and the corporation which the law has so tentatively defined; secondly, the common law doctrine of restraint of trade and conspiracy have given a fundamental taint of illegality to Trade Union activity which the statute law has not entirely succeeded in removing; thirdly, both the judicial decisions and the legislation (the latter often reversing the former) are so conflicting and difficult to reconcile, that in many cases they have but made confusion worse founded. Moreover, recent decisions on the legal position of commercial combinations as Trade Unions show that Trade Union Law is destined to have great developments in a region hardly contemplated by the framers of the Act of 1871—developments which it may be predicted are likely in the future to have very far-reaching effects.

This book is an attempt to provide the explorer with a thread by which he can hope to find his way

through the legal labyrinth. It contains all the relevant cases and statutes up to the time of publication, together with historical summaries of the law in its various aspects.

Our thanks are due to Mr. G. Reckitt for assistance in the compilation of the Tables and Index.

H. H. S.

C. B.

October, 1921.

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