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INDUSTRIAL DISPUTES AND FEDERAL LEGISLATION

*With Special Reference to the Railroad, Coal, Steel and
Automobile Industries in the U. S. since 1900*

BY

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SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY
IN THE
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INTRODUCTION

THE writer's interest in industrial disputes began as an undergraduate when by chance he witnessed for the first time a miners' strike outside the city of Birmingham, Alabama. The author was impressed by the fact that here were groups of men who not only did not want to work themselves but objected to anyone else's working. The economic philosophy "that if a laborer doesn't want to work, he can quit," was at that time clear in the writer's mind. The additional impression gained from this incident was the apparent lack of any legal agencies of control. These men, both the strikers and the strike breakers, seemed to be of necessity engaged in a miniature civil war. These interests carried over into my graduate studies, with additional emphasis gained in courses in social legislation, the community, and public law. In 1934 further information was gained by a summer spent in Harlan County, Kentucky.

In many ways I am glad that this study of federal legislation, which deals in particular with four great industries attempting to meet the problems of a changing world industrial system, can appear at this time. It is perhaps true that both the industrialist and the employee are today more willing to consider the foundations of national security in terms of human welfare. At this time, too, more minds are putting their best thought upon the conditions and success of democratic government than in any previous time of our history.

This is important because we can better understand our weakness and our strength when we see more clearly the clash of ideals which is revealed in our industrial and political and national life. This understanding was never more needed simply because now the first steps are being taken to direct our national industry by cooperation rather than by industrial warfare. If reason and justice fail within the national community, they are certain to be defeated in the local states.

The thirty-nine years covered in this study have been revolutionary in their effect upon the employer, employee, the general

public, and upon the working of their government. This period is very important in judging the development of the political and industrial labor movement in our modern democracy, for it shows what the security of the wage earner has meant in changing old social and governmental institutions. In a sense it is a record of what the common man has thought of his working conditions and his judgment of the society in which he has been living. Within our national life there has been a growing consciousness demanding a security for the worker not provided for in the old forms and by old institutions. The World War, 1917-18, left deep furrows in our national life; and from the resulting changes made by industry for military consumption a new order of production developed, giving the modern state a duty to reorganize its economic and social life on a new basis.

This study surveys primarily the federal legislation of the twentieth century dealing with the industries named, but it is obvious that social legislation cannot be divided nicely into either historical periods or particular industries. This seems an especially sound view to take when the legislation on industrial questions in the United States is to be studied. For the genius of the democratic method seems to lie in the gradual evolution of social thought, each generation making plainer its will. Our industrial codes of the present time, in all their detail and complexity, had at least to some extent their beginning in the factory legislation of England, and the security legislation of Bismarck's Germany. The aim behind our national legislation, whether it was safety, social security, or well-being generally, has had to be realized slowly within an industrial system which could be changed only as men were convinced that it should be changed. Then there followed that slower process of changing the ideas of men about their government; that process is going on at this time. Therefore, this study, though it deals primarily with a definite number of years, provides a survey of the federal labor legislation covering the industries selected from 1900 to 1939. Furthermore, it takes into account the

application of the machinery of government to changed social and economic conditions as a means for adjusting its complex industrial organization.

While this study of federal legislation affecting industrial disputes deals chiefly with the period of 1900-1939, yet in many of its incidental aspects it covers more than a half century, beginning with the Interstate Commerce Act (1887) extending through the Fair Labor Standards Act of 1938 and the amendment of the Social Security Act of 1939. Federal legislation has been only a small part and until recently a relatively unimportant part of governmental action in dealing with industrial disputes; state legislation and judicial action in applying the principles of the law not embodied in statutes have played the larger role. But the time has come when the unifying action of federal authority has become necessary in our complex and interdependent community of states in order to supplement, not supplant, state and local regulation.

The dual nature of our government—federal and state—with different spheres of action, each supreme and independent, has made it difficult to legislate, both by national and state governments. This dual nature is probably the hardest feature to grasp but it is, nevertheless, one of the most important. Besides this dual nature of our government, under the Constitution of the United States and the state constitutions the courts have the last word as to whether a statute is within the power of the law-making body and therefore valid. With their wide powers to invalidate statutes under vague and general provisions of the Constitution, the courts can render the products of the legislators ineffective, even after immense labor and effort have been expended upon them. In many instances not even the most careful examination of decided cases or a most thorough study of the principles of constitutional law will make it possible for the legislator to be sure that his law will be accepted by the judge as constitutional. Thus, to the difficulty of determining the wise thing to do in an important social situation is added

that of fitting the solution to the accepted principles of constitutional law, both federal and state.

Let us take, for example, some of the laws passed by both the state and federal governments which have been held to be unconstitutional. Some of the earliest state attempts to regulate the railroad industry by law were undermined by the *Wabash* decision.¹ This decision laid down the principle that no state could adopt regulations affecting the movements of commerce among the different states. Of equal importance, however, are the laws passed by the federal government which have been held to be unconstitutional. In 1916 a law which was expected to prevent the employment of children under fourteen years of age and otherwise regulate child labor was passed by Congress under the authority to regulate interstate commerce and as part of such regulation. The law was held to be unconstitutional in 1918 on the basis that it was not within the authority of Congress to prohibit the interstate transportation of goods on which children under fourteen years of age had worked.²

In 1919 Congress repassed this child labor law, with the same end in view, under the taxing power. This, too, was declared unconstitutional on the ground that it was not a legitimate use of the taxing power but served only as a penalty.

The history of our minimum wage laws serves as a further illustration to bring out the conflict and influence of state and federal legislation. In public employment it has been frequently decided that the legislature may rightfully regulate wage rates as well as other conditions of labor. The legality of state regulation of wage rates in private employment has had a less certain history.

Not until 1914, when the United States Supreme Court left in force a previous decision of the Oregon Supreme Court in favor of the state's minimum wage law, did the question seem

¹ *Wabash, etc., Railway Co. v. Illinois*, 118 U. S. 557 (1886), discussed in Chapter VI of this work.

² *Hammer v. Dagenhart*, 247 U. S. 251 (1918). See Chapter VIII for a discussion of legislation regulating child labor.

settled.³ Favorable verdicts were also handed down by the Supreme Courts of Arkansas, Massachusetts, Minnesota, and Washington.

Meanwhile the minimum wage law of the District of Columbia had come before the United States Supreme Court, and that body had rendered an adverse opinion.⁴ In 1925 the Arizona law came to the Supreme Court, which merely submitted a memorandum holding that it was bound by the Adkins Case.⁵ In 1927 the Supreme Court rendered a similar adverse decision on the Arkansas law.⁶ Following the Adkins case many state and federal courts followed that decision. As late as March, 1936, the highest court of New York invalidated that state's minimum wage law of 1933. The United States Supreme Court likewise ruled the New York law unconstitutional on the basis of the Adkins case.⁷ While the Court was preparing this decision, the Washington State Supreme Court handed down an opinion upholding that state's minimum wage law of 1913.⁸

When an appeal was taken from this decision to the United States Supreme Court, that Court was moved to reconsider the principles laid down in the Adkins case. The result was a complete reversal of the earlier ruling that had been followed since the Adkins case.⁹

In the discussion of federal legislation an attempt has been made to analyze the laws and give some account of the conditions and influences that led to their passage, as well as of their practical operation. For the most part, attention is confined to federal legislation, but in some cases an analysis of certain state legislation has been necessary in order to under-

3 *Stettler v. O'Hara*, 69 Ore. 519, 139 Pac. 743 (1914), 243 U. S. 629 (1917).

4 *Adkins v. Children's Hospital*, 261 U. S. 525, 43 Sup. Ct. 394 (1923).

5 *Murphy v. Sordell*, 269 U. S. 530, 46 Sup. Ct. 22 (1925).

6 *Donham v. West Nelson Mfg. Co.*, 273 U. S. 657, 47 Sup. Ct. 343 (1927).

7 *Morehead v. People ex re Tipaldo*, 56 Sup. Ct. 918 (1936).

8 *Parrish v. West Coast Hotel Co.*, 55 Pac. (2nd) 1083 (1936).

9 *West Coast Hotel Co. v. Parrish*, 300 U. S. 379 (1936).

stand the meaning and effect of the national law. Also, this study has dealt chiefly with labor problems and legislation in the United States, although some reference is made to the legislation of Australia and Canada for the sake of comparison and contrast.

Some attempt will be made to discuss the problems presented from the standpoint of the pressure of labor, the extent of employer organization, social and economic conditions involved, political machinery employed and the collective responsibility generally recognized and accepted.

Contemporary industrial disputes and attempted legislation to remedy the situation have again given special prominence to the whole matter of the legal status of labor and industry.

If further evidence was really needed, the experience of American industry of the last few years must have convinced thoughtful men throughout the country that industrial-labor relations definitely should be regulated by law. The problem is more widespread and the difficulties more acute. Recently labor has followed the example of capital and now has an economic and political program. Each year labor extends its activities further into politics.

We have grown accustomed to the idea of capital as a political and social force, but while the growth of labor as such a force has not perhaps been so apparent it is no less real. Labor is now claiming a voice in national councils and insisting upon a voice in formulating policies of national import. It has discovered that its security and the maintenance of high standards of living depend upon a universal organization. Labor, therefore, seeks to use its growing influence in national politics in the attainment of that end.

On the other hand, the men who after each industrial war saw its futility, have endeavored to construct a policy of industrial peace. They saw the close connection existing between world peace and an industrial one; and that industrial peace like world peace can be established only if it is based upon

social justice. That degree of justice, however, did not seem attainable without federal intervention in industrial relations.

Moreover, as industrial strife was to be averted by a method of discussion and honest investigation, so social justice was to be promoted; labor conflicts were to be avoided through a policy of cooperation between labor, capital and government, periodically defining and restating their respective rights and duties to and through disinterested national agencies.

Finally, the development of national trade and interstate commerce demanded that the cooperation should be national and should be expressed in the terms of national legislation. Out of this grew the National Labor Relations Act and the Railway Labor Acts. These, briefly outlined, are the various currents which have given rise to the National Labor movement.

The present national labor policy seeks to promote the adjustment of labor conditions and to do generally in the field of labor economics what the national government has been doing in other fields of national regulation. It hopes to bring together in a spirit of friendly cooperation representatives of capital and employers, labor and workers, and the public.

Some of the national laws, particularly in transportation, have stood the test of time and have already built a background of achievement. Such enactments are steadily increasing in importance and influence. The program of national labor legislation as embodied in the National Industrial Recovery Act, the Social Security Act, the National Labor Relations Act, and the Fair Labor Standards Act of 1938, as well as other acts relating to railroad labor and coal industry, represent one of the most significant steps in the history of industrial relations in the United States. From the legislative and judicial point of view, this study is more or less exhaustive; whereas from the standpoint of labor disputes it has been necessary to limit the scope to the more typical American industries, such as the railroads, coal, steel, and automobile industries, and in point of time to the period from 1900 to 1938. These industries were chosen

because one represents a long-standing company-union industry; another, a highly unionized industry; while the railroads represent an industry highly regulated under the interstate commerce powers of the federal government and the automobile industry one that is comparatively new and for the most part prosperous under the domination of private enterprise with little government interference.

The evolution of a national labor policy finding expression in much recent labor legislation has necessarily been considered; and it is hoped that this study may contribute to an explanation of why labor has officially entered upon a national stage of development, and something of the sociological and political background, the genesis, structure and achievement of a nationwide cooperation between labor, capital and government.

For some time the author has been interested in legislation, both national and state, as a means of settling industrial disputes. The method used, however, has evolved for the most part around federal legislation. The source material has been gathered from state and national statutes, presidential orders, and state, federal and United States Supreme Court decisions. Also, annual and quarterly reports from the Board of Directors of the United States Steel Corporation have been used. The reports of special commissions have been utilized especially in the case of coal. *The Legislative Review and Summaries*, published quarterly by the American Association for Labor Legislation were used in this study and will serve to continue their utility as new legislation occurs. It must be noted that the substance of the law and not provisions for enforcement is primarily presented in this study. Statistics have been used only for comparison and contrast of numbers of employees involved at a particular time or the amount of time or money losses to labor, industry and the general public.

The treatment of this subject has encountered two embarrassments: first, the unavailability of private papers of statesmen and industrial leaders; second, the difficulty of securing

a correct perspective in viewing events so recent as much of our federal labor legislation.

This study aims to give a clearer understanding of the development and present position of federal legislation as a preliminary to further improvement of the law and its administration. It does not pretend to give a complete survey, nor does it make an attempt at formulating a social program. But the approaches to a difficult problem here made, from the historical, comparative, and critical sides, seemed not only worth making as a part of an apprenticeship in legislative investigation but were of such value that they are worth printing for the use of others who may be studying the same problem. A foundation tessellated, but firm so far as it goes, is here laid for further ameliorative, constructive work in national legislation as a means of preventing industrial disputes.

Acknowledgment is here made of the courteous assistance of the United States Department of Justice, the Department of Labor, the National Mediation Board, and the officers of both the Committee for Industrial Organization and the American Federation of Labor. Especially to Dr. Samuel McCune Lindsay, in whose research seminar the author developed additional interest in social legislation, perhaps more than to any one person his thanks are due. Many of the suggestions embodied in the manuscript originated with Doctor Lindsay, and without his patience and care the work would probably not have been finished.

T. R. F.

BIBLIOGRAPHY

The sources that follow are selected because they are among the more important contributions and because they represent the best development of certain points related to the subject under discussion.

For the investigator who wishes further intensive reading, the bibliographies contained in most of the books cited will suggest additional sources, especially the bibliography in the *Principles of Labor Legislation* by J. R. Commons and J. B. Andrews, 4th revised edition, July, 1937.

- Anthracite Bureau of Information, *Bulletin*, 1926, p. 18.
 Anthracite Bureau of Information, *The Anthracite Strike of 1922*.
 Anthracite Coal Industry Commission, *Ad Interim Report*, Penn., 1937.
 Anthracite Coal Industry Commission, Ernest, M. L., *Report*, 1937.
 Armstrong, Barbara, *Insuring the Essentials*. The Macmillan Co., New York, 1932.
 Barnes, Harry E., *History of Western Civilization*. Harcourt, Brace and Co., New York, 1931.
 Berman, Edward, *Labor and the Sherman Act*. Harper and Bros., New York, 1930.
 Bogen, Jules Irwin, *The Anthracite Railroads*. The Ronald Press Co., New York, 1927.
 Bryce, James M., *The American Commonwealth*. The Macmillan Co., New York, 1890.
 Burns, Eveline M., *Toward Social Security*. McGraw-Hill Book Co., New York, 1936.
 Byer, Herman B., *Prison Labor in the United States*. Bulletin No. 595, U. S. Department of Labor, Bureau of Labor Statistics, Washington, D. C., 1932.
 Clark, John Bates, *The Distribution of Wealth*. The Macmillan Co., New York, 1899.
 Corwin, Edward S., *The Commerce Power versus States Rights*. Princeton University Press, Princeton, 1936.
 Daugherty, Carroll Roop, *Economics of the Iron and Steel Industry*. New York Public Affairs Committee, Inc., New York, 1933.
 —, *Labor Problems in American Industry*. Houghton Mifflin Co., New York, 1936.
 Davis, Horace B., *Labor and Steel*. International Publishers, New York, 1933.
 Devine, Edward T., *Coal*. American Review Service Press, New York, 1925.
 Dewey, D. R., *National Problems*. Harper and Bros., New York, 1907.
 Douglas, Paul H., *Real Wages in the United States*. Houghton Mifflin Co., New York, 1930.
 Downey, E. H., *History of Labor Legislation in Iowa*. The State Historical Society of Iowa, Iowa City, 1910.
 Elliott, W. Y., "Sovereign States of Sovereign Groups." *American Political Science Review*, Vol. XIX, August, 1935.

- Federal Trade Commission, Report, *Premium Prices of Anthracite*, July 6, 1925.
- Federation of American Engineering Societies, *The Twelve Hour Shift in Industry*. E. P. Dutton and Co., New York, 1922.
- Frankfurter, Felix and Greene, Nathan, *The Labor Injunction*. The Macmillan Co., New York, 1930.
- Givens, M. B. and Wolman, Leo, *Recent Economic Changes*. National Bureau of Economic Research, New York, 1930.
- Gompers, Samuel, "The Right to Strike," Editorial, *American Federationist*, Feb., 1916, p. 809.
- Herring, E. P., *Public Administration and the Public Interest*. McGraw-Hill Book Co., New York, 1936.
- Hobhouse, L. T., *The Metaphysical Theory of the State*. The Macmillan Co., New York, 1918.
- Hunt, E. E., Tryon, F. G. and Willets, J. H., *What the Coal Commission Found*. Williams and Wilkins, New York, 1925.
- Hutchins, B. L., *A History of Factory Legislation*. P. S. King and Son, London, 1911.
- Ihler, John, *Housing*. National Housing Association, 1932.
- Information Service, *Collective Bargaining in Steel*. Vol. XVI, No. 39, 1937.
- Labor Courts*. International Labor Office, Series A (Industrial Relations), No. 40, Geneva, (Washington Branch, 734 Jackson Pl.), 1938.
- Johnson, J. E., *Government Regulation of the Coal Industry*. The Reference Shelf, H. W. Wilson Co., New York, 1926.
- Jones, Eliot, *The Anthracite Coal Combination in the United States*. Harvard University Press, Cambridge, 1914.
- Keir, Malcolm, *Labor Problems from Both Sides*. The Ronald Press Co., New York, 1938.
- Kingsbury, John A., "Health Insurance in a National Program." *American Labor Legislation Review*, Vol. XXVII, No. 2, Sept., 1937.
- Landis, James J., *Labor Law*. The Foundation Press, Chicago, 1934.
- Lebow, Sylvan, "Bootleg Coal". *Review of Reviews*, Vol. XCV, March, 1937.
- Lorwin, Lewis L. and Wubnig, Arthur, *Labor Relations Boards*. Brookings Institution, Washington, D. C., 1935.
- Lovett, J. L., Laidler, H. and Thomas, N., *The Government Control of Coal*. The Vanguard Press, New York, 1938.
- MacIver, R. W., *Society*. Farrar and Rinehart, New York, 1937.
- Mayers, Lewis, *The Federal Service*. The Brookings Institution, Washington, D. C., 1922.
- Mead, R. R., *An Analysis of the Decline of the Anthracite Industry Since 1921*. University of Pennsylvania, Philadelphia, 1935.
- Minutes of the Meeting of the Public Committee on Coal*, 1921.
- Millis, Harry A. and Montgomery, Royal E., *Labor's Risk and Social Insurance*. McGraw-Hill, N. Y., 1938.
- Mitchell, John, *Organized Labor*. American Book and Bible House, Philadelphia, 1903.

- Mitchell, Broadus and Mitchell, Louise Pearson, *Practical Problems in Economics*. Henry Holt and Co., New York, 1936.
- Mumford, J. K., *Anthracite*. New York Industries Publishing Co., New York, 1925.
- National Industrial Conference Board, *The Competitive Position of Coal*, 1934.
- New York State Legislature, *Report of Committee Created in 1922*, Charles P. Lockwood, Chairman.
- Peterson, Florence, *Strikes in the United States, 1880-1936*. Bulletin No. 651, U. S. Department of Labor, Bureau of Labor Statistics, Washington, D. C., 1938.
- Pfiffner, John M., *Public Administration*. The Ronald Press Co., New York, 1935.
- Report of the Commission of Inquiry, Interchurch World Movement, *Public Opinion and the Steel Strike*. Harcourt, Brace and Co., New York, 1921.
- Roberts, Peter, *The Anthracite Coal Industry*. The Macmillan Co., New York, 1904.
- Rockefeller, J. D., Jr., *The Colorado Industrial Plan*. (Pamphlet), 1916.
- Selekman, Ben, *Postponing Strikes*. Russell Sage Foundation, New York, 1924.
- , *Employees' Representation in Coal Mines*. Russell Sage Foundation, New York, 1924.
- , *Sharing Management with the Workers*. Russell Sage Foundation, New York, 1924.
- Smith, R. H., *The United States Employment Service*. Monograph No. 28, Institute of Government Research, Washington, D. C., 1923.
- Smith, R. H., and Bradway, J. S., *Growth of Legal Aid Work in the United States*. Department of Labor, Bureau of Labor Statistics, Washington, D. C., Bulletin No. 607, 1936.
- Spero, Sterling, *The Labor Movement in a Government Industry*. George H. Doran Co., New York, 1924.
- , *Problems of the American Public Service*. McGraw-Hill Book Co., New York, 1935.
- Suffern, Arthur E., *Conciliation and Arbitration in the Coal Industry of America*. The Macmillan Co., New York, 1915.
- , *The Coal Miners' Struggle for Industrial Status*. The Macmillan Co., New York, 1936.
- Taylor, F. W., *Principles of Scientific Management*. Harper and Bros., New York, 1914.
- Twentieth Century Fund, *Labor and the Government*. McGraw-Hill Book Co., New York, 1935.
- Unemployment Benefits*, Wisconsin Industrial Commission. Report of V. Wrabetz, Chairman, to Governor LaFollette, Madison, Wisconsin, Aug. 1, 1937.
- United Mine Workers of America, *Proceedings of the Twenty-fifth Annual and Second Biennial Convention*, 1916.

- United States Coal Commission, *Reports*, 2 Volumes, 1923 and 1925.
- United States Commission on Industrial Relations, *Report on the Colorado Strike*. George P. West, Chairman, Washington, D. C., 1915.
- United States Government Manual, 1935*, An outline of the functions and organization of the federal government, including agencies of both a permanent and emergency character. Issued currently under the auspices of the National Emergency Council, Washington, D. C.
- United States Steel, *Annual Reports*. 25th (1926), 30th (1931), 31st (1932), 32nd (1933), 34th (1935), 35th (1936).
- Van Kleeck, Ben and Mary, *Employees' Representation in Coal Mines*. Russell Sage Foundation, New York, 1924.
- Warne, C. E., and Goddie, M. E., "Eleven Years of Compulsory Investigation of Industrial Disputes in Colorado," *Journal of Political Economy*, Vol. XXXV, Oct., 1937.
- Wilson, W. W., "Plan for Peace in Colorado," *The Survey*, Vol. XXXII, Sept. 19, 1914.
- Witte, Edwin E., *The Government in Labor Disputes*. McGraw-Hill Book Co., New York, 1932.
- Witman, Shepherd, L., *Visual Outline of Comparative Government*. Longmans, Greene and Co., New York, 1935.
- Wolman, Leo, *Ebb and Flow in Trade Unionism*. National Bureau of Economic Research, New York, 1936.

TABLE OF CASES CITED

- Adair v. U. S., 208 U. S. 161. (1908).
- Adkins v. Children's Hospital, 261 U. S. 525. (1923).
- Allgeyer v. Louisiana, 165 U. S. 578. (1897).
- Arthur v. Oakes, 63 Fed. 310. (1894).
- Associated Press v. N. L. R. B., 301 U. S. 103. (1937).
- Atkin v. Kansas, 191 U. S. 207. (1903).
- Barr v. Essex Trades Council, 53 N. J. Eq. 101. (1894).
- Blindell v. Hagen, 54 Fed. 40. (1893).
- Brotherhood of Railway and Steamship Clerks v. Texas & New Orleans R. R. Co., 24 Fed. (2nd) 426. (1928).
- Beeland Wholesale Co. v. Kaufman, (Ala.), 174 So. 516. (1937).
- Bunting v. Oregon, 243 U. S. 426. (1917).
- Carter v. Carter Coal Co., et al., 298 U. S. 238. (1936).
- Chicago, Milwaukee and St. Paul R. R. Co. v. State of Wisconsin, 238 U. S. 491. (1915).
- Coppage v. Kansas 236 U. S. 1. (1915).
- Coronado Coal Co. v. United Mine Workers of America, 268 U. S. 295. (1925).
- Dorchy v. Kansas, 264 U. S. 286. (1924).
- Ellis v. U. S. 206 U. S. 246. (1907).
- Exchange Baking and Restaurant, Inc., v. Rifkin, 245 N. Y. 260. (1927).
- Gillum v. Johnson, 62 Pac. (2d) 1037. (1936).
- Godcharles v. Wigeman, 113 Pa. 431. (1886).

- Heim v. McCall, 239 U. S. 175. (1915).
 Hitchman Coal Co. v. Mitchell, 245 U. S. 229. (1917).
 Holden v. Hardy, 169 U. S. 366. (1897).
 Hopkins v. Oxley Stave Co., 83 Fed. 912. (1898).
 Howes Brothers Co. v. Mass. Unemployment Compensation Commission,
 5 N. E. (2d) 720. (1936).
 In Re Debs, 158 U. S. 564. (1895).
 Kemp v. Division No. 241, 255 Ill. 213. (1912).
 Kentucky Whip and Collar Co. v. Ill. Cent. R. R., 299 U. S. 334. (1937).
 Knoxville Iron Co. v. Harbison, 183 U. S. 13. (1901).
 Loewe v. Lawlor, 208 U. S. 274. (1908).
 Louisville and Nashville R. R., v. Mottley, 219 U. S. 467. (1910).
 McLean v. Arkansas, 211 U. S. 539. (1908).
 Miller v. Wilson, 236 U. S. 373. (1915).
 Munn v. Illinois, 94 U. S. 113. (1876).
 N. L. R. B. v. Friedman-Harry Marks Clothing Co., Inc., 299 U. S. 535.
 (1936).
 N. L. R. B. v. Fruehauf Trailer Co., 299 U. S. 534. (1936).
 N. L. R. B. v. Jones and Laughlin Steel Corp., 299 U. S. 534. (1936).
 N. L. R. B. v. Penn. Greyhound Bus Lines, 301 U. S. 49. (1936).
 People v. Marcus, 185 N. Y. 257. (1906).
 Ramsey v. People, 142 Ill. 380. (1892).
 Riley v. Mass., 232 U. S. 671. (1914).
 Schechter Poultry Corp. v. U. S., 295 U. S. 495. (1935).
 Stettler v. O'Hara, 243 U. S. 629. (1917).
 Stafford v. Wallace, 258 U. S. 495. (1921).
 Swift & Co. et al. v. U. S., 196 U. S. 375. (1904).
 Texas & New Orleans R. R. Co. v. Brotherhood of R. R. Clerks, 281 U. S.
 548. (1930).
 U. S. v. Debs, 64 Fed. 724. (1894).
 U. S. v. Elliott, 62 Fed. 801. (1894).
 U. S. v. Alger, 62 Fed. 824. (1894).
 U. S. v. Workingmen's Amalgamated Council, 54 Fed. 994. (1894).
 Vegelahn v. Guntner et al., 44 N. E. 1077. (1896).
 Virginia R. R. Co. v. System Federation, No. 40, 300 U. S. 515. (1936).
 Wabash, St. Louis & Pacific R. R. Co. v. Illinois, 118 U. S. 557 (1886).
 Waterhouse v. Comer, 55 Fed. 149. (1893).
 West Coast Hotel v. Parrish et al., 300 U. S. 379. (1937).
 Whitfield v. Ohio, 297 U. S. 431. (1936).
 Wilson v. New, 243 U. S. 332. (1917).
 Wolff Packing Co. v. Court of Industrial Relations, 262 U. S. 522. (1923).

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