relied merely on advice and solicitation, or resorted to reproach and menace, or proceeded to actual violence. In any event their combination in itself constituted a criminal conspiracy, and rendered them amenable to prosecution and punishment.

From the reign of Edward I. to the reign of George IV. the operation of the common law was enforced and enlarged by between thirty and forty acts of parliament, all of which were more or less explicitly designed to prohibit and prevent the organization of labour. But the rise of the manufacturing system towards the end of the 18th century, and the revolution which accompanied it in the industrial arrangements of the country, were attended by a vast and unexpected extension of the movement which the legislature had for so long essayed to suppress. Among the multitudes of workmen who then began to be employed in factories, trade unions in the form of secret societies speedily became numerous and active, and to meet the situation a more summary procedure than that which had hitherto been available was provided by an act passed in 1800.

By this statute it was enacted that all persons combining with others to advance their wages or decrease the quantity of their work, or in any way to affect or control those who carried on any manufacture or trade in the conduct and management thereof, might be convicted before one justice of the peace, and might be committed to the common gaol for any time not exceeding three calendar months, or be kept to hard labour in the house of correction for a term of two calendar months.

The discontent and disorder consequent upon the introduction of steam and improved appliances into British manufactures in the first quarter of the 19th century, in conjunction with a state of commercial depression and national distress, led to the nomination of a select committee by the House of Commons, to inquire into the whole question of what were comprehensively designated the “ combination laws,” in the session of 1824. The committee reported to the House that “ those laws had not only not been efficient to prevent combinations either of masters or workmen, but on the contrary had, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust and to give a violent character to the combinations, and to render them highly dan- gerous to the peace of the community.” They further reported that in their judgment “ masters and workmen should be freed from such restrictions as regards the rate of wages and the hours of working, and be left at perfect liberty to make such agreements as they mutually think proper.” They therefore recommended that “ the statute laws which interfered in these particulars between masters and workmen should be repealed,” and also that “ the common law under which a peaceable meeting of masters or workmen might be prosecuted should be altered.” In pursuance of their report, an act, 5 Geo. IV. c. 95, was at once brought in and passed. But the immediate results of the change which it effected were regarded as so inconvenient, formidable and alarming, that in the session of 1825 the House of Commons appointed another select committee to re-examine the various problems, and review and reconsider the evidence submitted to their predecessors. They reported without delay in favour of the total repeal of the act of 1824, and the restora­tion of those provisions of the combination laws, whether statu- tory or customary, which it had been more particularly intended to abrogate. The consequence was an act passed in 1825 of which the preamble declares that the act of 1824 had not been found effectual, and that combinations such as it had legalized were “ injurious to trade and com- merce, dangerous to the tranquillity of the country, and especially prejudicial to the interests of all who were concerned in them.” The effect of this act was to leave the common law of conspiracy in full force against all combinations in restraint of trade, except such as it expressly exempted from its operation, as it had been before the act of 1824 was passed. It comprised, however, within itself the whole of the statute law relating to the subject, and under it no persons were liable to punishment for meeting together for the sole purpose of consulting upon and determining the rate of wages or prices which they, being present, would require for their work or pay to their workmen, or the hours for which they would work or require work in any trade or business, or for entering into any agreement, verbal or written, for the purpose of fixing the rate of wages or prices which the parties to it should so receive or pay. But all persons were subjected to a maximum punishment of three months’ imprisonment with hard labour who should by violence, threats or intimi- dation, molestation, or obstruction, do, or endeavour to do, or aid, abet or assist in doing or endeavouring to do, any of a series of things inconsistent with freedom of contract which the act enumerated and defined.

In 1859, in order to remove certain doubts which had arisen as to the true import and meaning of the undefined words “ molestation ’’ and “ obstruction,” it was provided by an amending act that “ no person, by reason merely of his endeavouring peaceably and in a reasonable manner, and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work, in order to obtain the rate of wages or the altered hours of labour agreed to by him and others, should be deemed to have been guilty of 'molestation ’ or 'obstruction.’"

In spite of the partial recognition which trade unions had thus received, they continued to be unlawful, although not necessarily criminal, associations. In certain cases, they were by statute exempted from penal consequences, and their members were empowered to combine for specified purposes, and to collect funds by volun- tary contributions for carrying them into effect. But in the estimation of the common law the special privileges which had been accorded to them under particular circumstances did not confer any general character of legality upon them, and where their rules were held to be in restraint of trade, as in the prohibition of piece-work or the limitation of the number of apprentices, they were still regarded as conspiracies. In this condition the law was when what became notorious as the “ Sheffield and Manchester outrages ” suggested the appointment of the royal commission on trade unions, which investi- gated the subject from 1867 to 1869. The outcome was, first, a temporary measure for the more effectual protection of the funds of trade unions, passed in 1869, and, secondly, the two measures which, as amended and amending, are cited together as the “ Trade Union Acts 1871 and 1876.”

Under these statutes, construed with the Conspiracy and Protection of Property Act 1875, the law relating to combinations, whether of workmen or of masters, entered upon a new phase. In connexion with trade disputes no person can be prosecuted for conspiracy to commit an act which would not be criminal if committed by him singly. The purposes of a trade union are not to be deemed illegal merely because they are in restraint of trade, and the circumstance that they are in restraint of trade is not to render any member of it liable to prosecution, nor is it to avoid or make voidable any agreement or trust relating to it. No court, however, can entertain legal proceedings with the object of directly enforcing or recovering damages for the breach of an agreement between the members of a trade union as such, concerning the con- ditions on which the members for the time being shall or shall not sell their goods, transact their business, employ or be employed, or the payment by any person of any subscription or penalty to a trade union, or for the application of the funds of a trade union to pτovide benefits or to furnish contributions to any employer or workman not a member of such trade union in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union, or to discharge any fine imposed upon any person by any court of justice or any agreement made between one trade union and another, or any bond to secure such agreement. But such incapacity to sue on such agreements is not to be taken as constituting any of them illegal. Every person, however, commits a misdemeanour, and on