combinations and as to the law affecting them, and to report on the law applicable to the same and the effect of any modifi- cations thereof.

The majority of the commission reported in January 1906 in favour of an alteration in the law relating to picketing and conspiracy, but against any alteration of the law as laid down in the Taff Vale judgment. A different view was, however, expressed in the Trade Disputes Act passed in the same year, whereby it was enacted with reference to trades union funds that “ an action against a trade union, whether of workmen or masters, dr against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court, ” although “ nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the Trades Union Act 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute. ” This act and the two previous acts are cited together as the Trade Union Acts 1871 to 1906, and form the present statutory enactments upon the subject.

In December 1909 one of the most important judgments in connexion with trade unions was delivered in the case of *Osborne* v. *Amalgamated Society of Railway Servants,* The litigation had extended over two years, ending in the House of Lords (December 21, 1909) upholding the decision of the court of appeal (L.R. 1909, ch. 163). The plaintiff, who had been a member of the Amalgamated Society of Railway Servants since 1892, sued his trade union to have it declared that one of its current rules, which provided, amongst other things, for parliamentary representation and the enforced levy of contributions from him and other members of the society, towards the payment of salaries or maintenance allowance to members of parliament pledged to observe and fulfil the conditions imposed by the Labour Party, was *ultra vires* and void. It was decided in the King’s Bench against the plaintiff, but the judgment was reversed by the court of appeal, whose decision was upheld by the House of Lords. This meant that the Labour Party in the House of Commons would have to find other ways and means than contributions from trade unionists to maintain their members in parliament. A voluntary levy was attempted, but did not meet with any success, and in 1910 agitation was set on foot by the Labour Party for the reversal of the “ Osborne judgment. ” They also announced in September their intention of making a change in the constitution of their party by eliminating the necessity of each member signing an acceptance of certain conditions, on the ground that the party had arrived at a state when it could trust to ordinary party loyalty to keep their members’ action in accordance with the policy of the party. It was also hoped that it would meet many objections raised against their agitation for the reversal of the Osborne judgment. The agitation had the result of increasing the force of the movement for payment of members, not only in the Liberal party but also among the more pro­gressive Conservatives.

Trade unions, in the sense in which the term is now understood, appear to be almost exclusively of modern growth. Though combinations among various classes of workmen to improve their position have doubtless been formed from time to time from an early period, such combinations, up to comparatively recent years, were mostly ephemeral, almost the only class among whom permanent associations of journeymen are known to have existed in the middle ages being the masons, whose con- federacies were prohibited by law in 1425. With this doubtful exception, there is little or no trace of permanent combinations corresponding to the modern trade union before the 18th century. During the period when wages and conditions of employment were the subject of State regulation *(e,g,* under the Statute of Apprentices of Elizabeth), combina­tions to exact higher rates or other conditions than those so fixed were naturally regarded as illegal conspiracies.

The craft gilds of the middle ages have sometimes been regarded as the true predecessors of trade unions, but the analogy must not be pressed too far. The structure, con- stitution and functions of a gild of craftsmen, aiming at the protection and regulation of the craft as a whole, were essen- tially different from those of a trade union, formed to protect one class of persons engaged in an industry against another. Nor is there any trace of direct continuity between gilds and trade unions, for the claim of certain Irish trade unions to be descended from gilds will not bear scrutiny (see Webb, *History of Trade Unionism,* appendix). The only true sense in which it can be said that there is a certain indirect historical filiation between gilds and trade unions is that, as pointed out by Brentano, some of the earliest trade unions had for their original object the enforcement of the decaying Elizabethan legislation, which in its turn had taken the place of the obsolete regulation of industry by the craft gilds, so that among the rules and objects of such unions would naturally be some bearing a likeness to gild regulations.

The actual way in which trade unions first came into being probably varied very greatly. In some cases, as stated above, their origin can be definitely traced to associations for en- forcing the legal regulation of industry against the opposition of employers; in others, the meetings of journeymen belonging to the same trade for such purposes as sick or burial clubs became naturally the nucleus of secret combinations to raise wages. The growth of the “ capitalistic ” system of industry, under which the workman no longer owned the materials or instruments with which he worked, was one of the most potent causes of the development of workmen’s combinations. The efforts of trade unions to revive the enforcement of the Elizabethan legislation not only failed, but led to its repeal (1813- 1814); but the laws against combinations, which had been made more stringent and more general by the acts of 1799-1800, remained unaltered until 1824. In spite of these acts, which made all combinations illegal, there is evidence that trade clubs of journeymen existed and were tolerated in many trades and districts during the first quarter of the 19th century, though they were always subject to the fear of prosecution if they took hostile action against employers; and in many cases strikes were suppressed by the conviction of their leaders under these acts or under the common law of conspiracy. The partial protection accorded to societies for the purpose of regulating wages and hours of labour by the law of 1825 led to a rapid multiplication and expansion of trade unions, and to an outburst of strikes, in which, however, partly owing to the widespread commercial depres- sion, the workmen were mostly unsuccessful. Thus the first impetus given to trade unions by the modification of the combination laws was followed by a collapse, which in its turn was followed (in the third decade of the century) by a succession of attempts on the part of workmen to establish a federal or universal combination, to embrace members not of one but of several trades. To this new form of combination, which excited a good deal of alarm among employers, the term “ trades union, ” as distinct from trade union, was applied. All these general movements, however, proved short-lived, and the most extensive of them, the “ Grand National Con- solidated Trades Union,” which was formed in 1834 and claimed half a million adherents, only had an active existence for a few months, its break-up being hastened by the con­viction and transportation of six Dorchester labourers for the administration of unlawful oaths. In the years of depressed trade which followed, trade unionism\* once more declined, and the interest of workmen was largely diverted from trade combinations to more general political movements, *e.g.* Chartism, the Anti-Corn-Law agitation and Robert Owen’s schemes of co-operation.

From 1845 we trace another revival of trade unions, the