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private acts of vengeance and destruction. Accordingly, there is no one distinct conception of sabotage.

In general, sabotage consists in obstructing in all possible ways the regular process of production, in order to obtain any demand. It may express itself in slow work, in bad work, and even in the destruction of the machinery of production. The syndicalists, however, strongly condemn any act of sabotage which may result in the loss of life.

In France, where the use of sabotage is most highly developed, the word has a different meaning. It is not the destruction of machinery or any other form of violence. It is the organized hampering of production, by means of "withdrawal of efficiency" or the intermittent interference with work. This last would be practised by workers who quit their jobs for a while, then return to work till the plant is in normal working order, only to withdraw again without notice; repeating this at intervals till tehir object is attained. Or it may take the form of minute observance of rules as is often done on the railroads of France, wreaking havoc with the time table. Sabotage is the industrialist's active weapon. The general strike is his passive violence.

LABOR UNIONS AND THEIR RELATION TO THE LAW IN THE UNITED STATES

By A. A. Bablitz.

The American Colonies accepted the Common Law of England for the regulation of their affairs as a matter of right, and after the independence of the United States of America had been established so much of the common law as remained applicable to their changed conditions remained in full force and effect.

It was considered a conspiracy at Common Law for workmen to combine to raise wages and reduce hours of labor, and of masters to combine to depress wages; and for the purpose of making conditions of employment more severe for those employed. This view was obtained in the courts of law during the early period of the republic.

The earliest cases of record in which members of labor unions were prosecuted for conspiring to do such unlawful things as to increase wages and to limit the number of apprentices, are those of the Boot and Shoe Makers—1806—and of the Boot Makers—1809. In both of these cases the defendants were found guilty. The conspiracy doctrine of the

common law was invoked repeatedly in cases growing out of labor disputes until 1842, when Chief Justice Show of the Massachusetts Supreme Court in the case of Commonwealth, v. Hunt, et al, (4 Met. 111) decided that,

> "an association of workingmen whose purpose it is to induce all those engaged in the same occupation to become members thereof it not unlawful."
> "Such associations," said the court, "might be used to afford each other assistance in times of sickness and distress; or to raise their intellectual, moral and social condition, or to make improvement in their art; or for other proper purposes. Or such associations might be designed for purposes of oppression and injustice. But in order to charge all those who become members of an association with the guilt of a criminal conspiracy, it must be averred and proved that the acutal, if not the avowed object of the association was criminal."

Following this decision of Chief Justice Shaw, in the above cited case of the Massachusetts Shoe-Makers it soon became the accepted view of the American Law Courts that organizations of workingmen, for purposes of raising wages, shortening hours of labor and bettering conditions of work, were not to be classed as criminal conspiracies. But a proceeding by a trade union to compel the discharge of one because he was not a member of their union, was considered a civil conspiracy since it is a combination to injure and oppress another.

It may be appropriate, before we proceed with a discussion of the subsequent development of the law affecting labor unions to state somewhat in detail the history of their growth in the United States.

Prior to the war of 1862, there were a number of trade unions scattered throughout the several states of the union, but chiefly in the eastern part of the United States. These local unions, however, had no central organization, such as exists today in the American Federation of Labor. Neither were there then in existence National or International organizations composed of a number of local unions of their respective trades as is the case now.

But after the Civil War, two striking phases of our industrial history began to assume importance; (1) The necessities of the nation had greatly increased demand. (2) Centralization, forced upon the government for self preservation, inevitably extended to commercial and industrial relations. The workers early felt the increased pressure and as naturally sought relief. Hence on the 20th day of August, 1866, delegates from sixty labor organizations met in Baltimore and founded the "National Labor Union." This "Natinal Labor Union" endured until

1872. In this year the convention nominated a presidential ticket. But this caused so much dissatisfaction among the affiliated unions that many of them withdrew and the "National Labor Union" ceased to exist.

During that period of time, which followed upon the great panic of 1873, a number of secret societies were formed for the purpose of bettering the condition of the working people, the most notable among them being the "Knights of Labor," but these secret organizations did not proceed along the line of historic evolution therebefore followed by the labor movement and most of them soon went out of existence.

In 1881 the preliminary organization of the American Federation of Labor was formed at a convention held in Pittsburg, Pa. The American Federation now numbers two million members. It is the great central organization of the American labor movement. In addition to the organizations of labor united in the American Federation of Labor there are in existence a number of large independent labor unions whose objects are in every way identical with the objects pursued by those other organizations affiliated with the American Federation of Labor; but they prefer to remain unaffiliated with the central body of the United States.

With the exception of those early decisions, rendered at a time when the statute law of the United States was in its formative period and the courts were guided in the main by the doctrines founded upon the English Common Law, the courts of the United States, whenever that question has come before them, have held that workingmen have the right and that it is lawful for them, to organize trade unions.

But trade unions have been held to be criminal conspiracies when they have sought to obtain their ends by means positively forbidden by the law of the country.

Toledo, Ann Arbor Ry. Co., v. Penn Co. et al, 54 Fed. R. 730.

It has in the same case been held that labor unions are civil conspiracies when they seek to gain their purposes by resorting to means that are hurtful and injurious to the rights of other persons against whom activities of the unions are directed.

It follows as a corollary to the above that labor unions which amount to conspiracies to oppress and injure others are liable for all damages occasioned by their unlawful, malicious, oppressive or injurious acts, and it has so been held in a number of cases.

Moore v. Bricklayers Union, 23 Cin. Weekly Law Bul. 48.

Lucke v. Clothing Cutter's Assembly, 77 Md. 396.

Longshire Printing Co. v. Howell, 38 Pac. Rep. 547.

In many of the states statues have been passed for the encourage-

ment and protection of labor unions. But aside from these statutes, the right of labor to combine is well settled by judicial decisions.

It is now generally conceded that labor can combine to raise and naintain wages; to regulate the hours of work, the conditions of labor and the number of apprentices, and how they shall be received. Labor has the right to strike, to withdraw from employment in a body provided that such withdrawal is voluntary on the part of all concerned, involves no breach of contarct, is peaceful and orderly and is for a lawful purpose.

It must be clear from what has been stated above that combination of labor whenever they or their members resort to unlawful means to effectuate their purposes are subject to the law of the land. Criminal and civil liability attach to every member, and while unions are recognized as lawfully constituted bodies they have in no way, shape, or form, been given any rights or privileges that would exempt their members from liability for their acts.

But with the growth of the labor movement and the strengthening of the forces of labor there have come conflicts between the combinations of capital and of labor of such magnitude and consequence to all concerned, and the contests have been carried on with so much bitterness and ill feeling that the courts have frequently been called upon to interfere for the protection of vested interests.

Frequently when labor unions have gone on strikes, or boycotted employers with whom they were engaged in a trade dispute, the employers have gone to the courts and without giving notice, or a hearing being granted to the workers, they have obtained injunctions against their striking employes that practically bound them hand and foot and munism was that of the Englishman, Robert Owen, at New Harmony, left them without the power of doing anything whatever to further their cause against the employer.

The injunction in labor disputes has, in consequence, become a byword and a hissing among workingmen and their cries for redress have become so loud that the great political parties have pledged themselves to enact legislation that will eliminate the abuse of the injunctive power of the courts in cases growing out of differences between capital and labor.

In addition to the abuses of the injunctive power there has arisen another cloud which even now casts an ominous shadow upon the horizon of organized labor.

The United States Supreme Court has held in the case of Loeve v. Lawlor et al (208 U. S. 274, 1908) that labor unions are combinations in restraint of trade and that section seven of the Sherman Anti-Trust Law applies to organizations of labor as well as to organizations of capital.

This makes members of labor unions liable to fine and imprisonment and to the payment of threefold damages for injuries and losses growing out of labor disputes.

But this decision of the Supreme Court, which practically declares labor unions to be trusts, is open to criticism on several grounds; (1) It never was the intention of Congress to have the Sherman Anti-Trust Law apply to labor unions. (2) There cannot be a trust in labor power; because "The human power to produce is the antithesis of the material commodities which become the subject of trust control."

Chief Justice Henry M. Furman of the Oklahoma Criminal Court of Appeals in holding the Oklahoma Anti-Trust Law constitutional, although, or rather because, it exempts organizations of labor from the operation of that statute, made use of the following words:

"If all the capital in the world were destroyed a great injury would thereby be inflicted upon the entire human race, but the bright minds, the brave hearts and strong arms of labor would in time create new capital, and thus the injury would be ultimately cured. If all of the labor on earth were destroyed capital would lose its value and become absolutely worthless."

"Labor is natural, capital is artificial, labor was made by God, capital is made by man. Labor is not only blood and bone, but it also has a mind and soul and is animated by sympathy, hope and love. Capital is inanimate soulless matter. Labor is the creator capital is the creation. The assumption of counsel for appellee is that the rights of capital are equal to the rights of labor. Good morals do not sustain this assumption. While labor and capital are both entitled to the protection of the law, it is not true that the abstract rights of capital are equal to those of labor and that they both stand upon an equal footing before the law. But, if we concede that the assumption of counsel for Appellees is well founded, and if we arbitrarily and in disregard of good morals place capital and labor upon absolute equality before that law, another difficulty confronts them. Capital organizes to accomplish its purpose, then, according to their own logic, it will be a denial of equal rights to labor to deny to it the right to organize and not, without a breach of the peace, to meet the aggressions of capital."

State of Oklahoma v. Coyle, et al.

The right to organize trades unions is now freely conceded to the working-people of all civilized countries. Subject only to the restrictions which the laws, or the narrow interpretation of those laws by the judges have placed upon the means employed by the unions to gain their objects, they are given every opportunity to better the moral, economic and political conditions of their members.

The trades union movement of Europe and America numbers over twelve million members in good standing and its tremendous importance as a factor in the advancement of the working-class is now generally recognized.

The liberty of a people and their rights and privileges are real only when they are solidly laid and declared in the constitution and the general laws of their country. It is only when a movement has attained the sanction of the law, that its goodness is fully recognized and its legality acknowledged.

The legislatures and law courts of England and the United States have for nearly a century striven to establish the legal status of the trades union movement in accordance with the general character of the common law. For a long time after the trades union movement was recognized as lawful, attempts were made to place organizations of capital and of labor upon the same level. This tendency is even now manifest in the decision of the United States Supreme Court in the Hatters case, in which the Court said, that labor unions are organizations in restraint of trade and therefore subject to the provisions of the Sherman Anti-Trust Law.

But Congress never intended the Sherman Anti-Trust Law to apply to the voluntary organizations of labor, as it applies to combinations of capital entered into for the purpose of pressing greater profits out of the people's necessity, or to stifle composition, or restrain trade.

In England, upon the mandate of the people and in clear and unmistakable terms, the British Parliament has declared the law concerning trades unions, and so will the United States Congress find ways and means to declare the legal status of the trades union movement, and will draw the line of demarkation between combinations of capital for profits and the voluntary associations of labor organized not for profit, but for the advancement of the toiling mases of our people.

"WHAT IS KENTUCKY'S NAME?"

By Polk South.

As one approaches the Capitol Building at Frankfort, he sees engraved, in large letters, on the front of the building, the words, "Commonwealth of Kentucky." All through the Kentucky law reports you see criminal action styled Commonwealth vs. John Doe, while in most all other States the criminal actions are brought in the name of the State vs. John Doe. The word Commonwealth is a rarity outside the State of Kentucky, and it starts one to thinking, as to just what is the meaning of the term; and where did it originate.