

## Commonwealth v. Hunt (1842)

Commonwealth v. Hunt established the right of trade unions to exist. It also established legal precedent for the union requirement of closed shops. Before this ruling, union members were viewed as conspirators working against capitalism

Commonwealth v. Hunt had its roots in a case brought against the Boston Society of Journeymen Bootmakers by Jeremiah Home. Home had refused to pay fees to the union. As a result, the union used its influence with Home's employer to have him fired. Home brought suit against seven of the leaders. They were tried and found guilty of conspiracy and restraint of trade in a municipal court in 1840. The case was appealed to the Massachusetts Supreme Court, where the verdict was overturned in 1842.

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**Commonwealth v. Hunt**, (1842), is an American legal case in which the Massachusetts Supreme Court ruled that the common-law doctrine of criminal conspiracy did not apply to labor unions. Until then, workers' attempts to establish closed shops had been subject to prosecution. Chief Justice Lemuel Shaw asserted, however, that trade unions were legal and that they had the right to strike or take other steps of peaceful coercion to raise wages and ban nonunion workers.

The case stemmed from a demand by the Boston Journeymen Bootmakers' Society that an employer fire one of its members who had disobeyed the society's rules. The employer, fearing a strike, complied, but the dismissed employee complained to the district attorney, who then drew an indictment charging the society with conspiracy. The Boston Municipal Court found the union guilty.

Justice Shaw, hearing the case on appeal, altered the traditional criteria for conspiracy by holding that the mere act of combining for some purpose was not illegal. Only those combinations intended "to accomplish some criminal or unlawful purpose, or to accomplish some purpose, not in itself criminal or unlawful, by criminal or unlawful means" could be prosecuted. Shaw, in effect, legalized the American labor union movement by this decision.

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### Notes:

Unions developed in the United States when the Industrial Revolution spurred an increase in manufacturing jobs. Many of these jobs offered low wages and poor working conditions. To improve the position of the worker, many groups began to form.

Unions negotiate with management for better working conditions through the use of collective bargaining. Members pay dues to support the organization and elect people to represent them in negotiations with management. Union members may stop work as a method of protesting labor conditions or as a means of negotiating an agreement. This practice is known as a strike.