

CHAPTER 185

INJUNCTIONS AND RESTRAINING ORDERS RELATING TO LABOR
DISPUTES**185.01 EMPLOYEES PERMITTED TO ORGANIZE.**

HISTORY. 1917 c. 493 s. 1; G.S. 1923 s. 4255; M.S. 1927 s. 4255.

A private party may maintain a suit for injunction if necessary to prevent irreparable injury to property for which there is no adequate remedy at law. The fact that a threatened invasion of the rights of one conducting a motion picture theater may constitute a criminal offense is no bar to relief by injunction. *Campbell v Motion Picture Operators Union*, 151 M 220, 186 NW 781.

The record does not justify a finding by the supreme court that the trial court abused its discretion in vacating a restraining order and denying plaintiff's application for a temporary injunction. *East Lake Drug v Pharmacists' Union*, 210 M 433, 298 NW 722.

Outlook in industrial disputes. 6 MLR 536.

Judicial intervention in internal affairs of labor unions. 20 MLR 657.

Study of judicial attitude toward trade unions and labor legislation. 23 MLR 255.

Labor injunction in Minnesota. 24 MLR 757.

185.02 RESTRAINING ORDER OR INJUNCTION, WHEN NOT ISSUED.

HISTORY. 1917 c. 493 s. 2; G.S. 1923 s. 4256; M.S. 1927 s. 4256; 1929 c. 260.

Suit for an injunction to restrain the defendants from violating plaintiffs' seniority rights as employees of the defendant railway. The determination of the brotherhoods that no seniority rights of plaintiffs were violated by the modified pooling agreement should be recognized by the courts. The finding is sustained that no seniority rights are violated by operating the Hill avenue yard and ore dock of the defendant railway under its pool agreement with another railway company procured through the mediation of the defendant brotherhood. *Ross Lodge v Brotherhood*, 191 M 373, 254 NW 590.

Federal anti-injunction act. 16 MLR 638.

1933 anti-injunction legislation. 18 MLR 184.

Labor injunction in Minnesota. 24 MLR 757.

Strikes and boycotts; scope of peaceful picketing. 28 MLR 198.

185.03 NOT TO BE ISSUED TO PREVENT TERMINATION OF EMPLOYMENT.

HISTORY. 1917 c. 493 s. 3; G.S. 1923 s. 4257; M.S. 1927 s. 4257.

185.04 LABOR NOT A COMMODITY OR ARTICLE OF COMMERCE.

HISTORY. 1917 c. 493 s. 4; G.S. 1923 s. 4258; M.S. 1927 s. 4258.

185.05 INDICTMENT, WHEN NOT TO BE RETURNED.

HISTORY. 1917 c. 493 s. 5; G.S. 1923 s. 4259; M.S. 1927 s. 4259.

185.06 POWER OF EXECUTIVE DEPARTMENT OR COURTS NOT CURTAILED UNDER CERTAIN CONDITIONS; CRIMINAL SYNDICALISM.

HISTORY. 1917 c. 493 s. 6; G.S. 1923 s. 4260; M.S. 1927 s. 4260.

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185.07 JURISDICTION OF COURT LIMITED.

HISTORY. 1933 c. 416 s. 1; M. Supp. s. 4260-1.

In this injunction case defendants claim there is presented a labor dispute within the meaning of Laws 1933, Chapter 416. In certiorari to review relator's conviction for contempt in violating a temporary injunction, there is a collateral attack which must fail unless the injunction is shown to be a nullity. It is not so shown in this instance. *Reid v Independent Union*, 200 M 599, 275 NW 300.

A labor dispute is presented in an action of employer against labor union which threatens to resort to picketing because of employer's proposal to reduce prices and thereby lessen compensation of numerous employees working on commission. It is determinative that the issue is not between employer and his own employees. *Lichterman v Laundry Drivers Union*, 204 M 75, 282 NW 689.

Minnesota labor disputes injunction act. 21 MLR 619.

Labor dispute as defined by anti-injunction act. 23 MLR 549.

185.08 PUBLIC POLICY DECLARED.

HISTORY. 1933 c. 416 s. 2; M. Supp. s. 4260-2.

An enterprise not conducted as a means of livelihood or for profit does not come within the meaning of such terms as "business," "trade," or "injury." Defendant carried a large banner in front of a private home, and this case does not involve any question relating to "industrial" dispute nor any question relating to industrial conflict, and defendant's conviction for disorderly conduct is sustained. *State v Cooper*, 205 M 333, 285 NW 903.

Persons employed by a hospital are employees within the meaning of the labor relations act or of the anti-injunction act, and a motion by the defendant to dismiss a temporary injunction restraining order was properly granted. *Northwestern Hospital v Public Bldg. Employees*, 208 M 389, 294 NW 215.

185.09 CERTAIN ACTS NOT ENFORCEABLE.

HISTORY. 1933 c. 416 s. 3; M. Supp. s. 4260-3.

185.10 RESTRAINING ORDERS NOT ISSUED IN CERTAIN CASES.

HISTORY. 1933 c. 416 s. 4; M. Supp. s. 4260-4.

A claim for damages for past breach of contract is not a "labor dispute" and an injunction issued prohibiting picketing to force a settlement was proper. *Jensen v St. Paul Mov. Picture Union*, 194 M 58, 259 NW 811.

Alleged disorderly conduct; conviction sustained; see dissent. *State v Cooper*, 205 M 342, 285 NW 903.

In the exercise of freedom of speech secured by United States constitution, amendment 14, a labor union may peacefully picket the premises, where a person is engaged in building a house for the purpose of sale, to induce him to let work in construction thereof, done by him with his own hands, to others, who would employ union labor. *Glover v Minneapolis Building Trades*, 215 M 533, 10 NW(2d) 481.

1933 anti-injunction legislation. 18 MLR 189.

Minnesota labor injunctions. 21 MLR 634, 638, 639.

Anti-injunction acts. 22 MLR 273.

Covenants not to compete after term of employment. Boycott as competition within meaning of covenant. 22 MLR 287.

Strikes and boycotts; injunctions, anti-injunction acts. 23 MLR 857.

Labor injunction act of 1933. 24 MLR 775, 792.

185.11 RESTRAINING ORDERS OR INJUNCTIONS NOT ISSUED ON CERTAIN GROUNDS.

HISTORY. 1933 c. 416 s. 5; M. Supp. s. 4260-5.

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185.12 ASSOCIATIONS NOT RESPONSIBLE FOR ACTS OF INDIVIDUALS.

HISTORY. 1933 c. 416 s. 6; M. Supp. s. 4260-6.

In certiorari to review relator's conviction for contempt in violating a temporary injunction, the latter is under collateral attack which must fail unless the injunction is shown to be a nullity. *Reid v Ind. Union*, 200 M 599, 275 NW 300.

185.13 LIMITED JURISDICTION OF COURT IN CERTAIN CASES.

HISTORY. 1933 c. 416 s. 7; M. Supp. s. 4260-7.

Erroneous decision as to its own jurisdiction of the subject of an action rendered by a court without jurisdiction is entirely void and has no conclusive effect upon the parties to the action, though the court might have jurisdiction of their persons. In raising the question as to the erroneous decision the attack must be direct and not collateral. *Reid v Independent Union*, 200 M 599, 275 NW 300.

A judgment of voluntary dismissal by agreement of the parties of an action in which a restraining order has been issued is not an adjudication that the restraining order was improvidentially or erroneously issued. *Amer. Gas Machine v Voorhees*, 204 M 209, 283 NW 114.

While damages from a wrongful issuance of an injunction may be determined in the injunction suit they are, unless the writ was procured by malice, recoverable only by action on the bond. *Midland Loan v Temple Garage*, 206 M 434, 283 NW 853.

Anti-injunction statutes cannot be construed to deprive members of the labor organizations of the protection of the courts when their individual rights have been violated and when prescribed methods of appeal within the organization have been circumvented, where no question of employment or employer and employee relations, or conditions of employment are involved. *Minnesota Council v American Federation*, 220 M —, 19 NW(2d) 414.

Whenever a situation requires relief because of the violation of the Wagner-Connelly Labor Relations Act making representatives selected by a majority of employees for collective bargaining the exclusive representatives of all employees in the unit involved, the National Labor Relations Board is vested with exclusive jurisdiction to effect the remedy, and no proceedings between employer and employee under such act are entitled to any protection by the court until some affirmative action has been taken by the Board. *Lund v Woodenware Workers*, 19 F. Supp. 607.

1933 anti-injunction legislation. 18 MLR 189.

Minnesota labor injunction. 21 MLR 620.

Collateral attack on injunction for want of jurisdiction under labor disputes act. 22 MLR 432.

Labor injunction in Minnesota. 24 MLR 761.

185.14 FINDINGS OF FACT BASIS OF INJUNCTIONS OR RESTRAINING ORDERS.

HISTORY. 1933 c. 416 s. 8; M. Supp. s. 4260-8.

185.15 COURT TO CERTIFY PROCEEDINGS TO SUPREME COURT.

HISTORY. 1933 c. 416 s. 9; M. Supp. s. 4260-9.

185.16 RIGHT TO SPEEDY TRIAL.

HISTORY. 1933 c. 416 s. 10; M. Supp. s. 4260-10.

185.17 PROCEEDING IN CONTEMPT CASES.

HISTORY. 1933 c. 416 s. 11; M. Supp. s. 4260-11.

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185.18 DEFINITIONS.

HISTORY. 1933 c. 416 s. 12; M. Supp. s. 4260-12.

A claim for damages for past breach of contract is not a "labor dispute," and an injunction to prohibit picket to force a settlement is not forbidden. *Jensen v St. Paul Union*, 194 M 53, 259 NW 811.

"Labor dispute" defined. *Reid v Ind. Union*, 201 M 601, 275 NW 300.

A labor dispute is presented in an action of employer against a labor union which threatens to resort to picketing because of employer's proposal to reduce prices charged his customers and thereby lessen compensation of numerous employees working on commission. It is not determinative that the issue is not between the employer and his own employees. *Lichterman v Laundry Union*, 204 M 75, 282 NW 689, 283 NW 752.

An enterprise not conducted as a means of livelihood or for profit does not come within the ordinary meaning of such terms as "business," "trade," or "industry." A "home" is not an industrial or business enterprise, and placing a banner on each side of which was printed the words: "Unfair to Private Chauffeurs and Helpers Union, Local 912," was properly held to be disorderly conduct. *State v Cooper*, 205 M 333, 285 NW 903.

Although plaintiff corporation operates a hospital that is open to the public and maintains it without profit, its employment of non-professional maintenance employees brings it within the division of employer as found in the labor relations act. *Northwestern Hosp. v Public Bldg. Union*, 208 M 389, 294 NW 215.

To be regarded as a "labor dispute" within the anti-injunction act, dispute must relate to a controversy concerning terms or conditions of employment. *Minnesota Council v American Federation*, 220 M —, 19 NW (2d) 414.

Effect of illegal acts in the course of picketing on the existence of a labor dispute and on the right to injunction. 23 MLR 855.

Scope of labor dispute. 25 MLR 247.

185.19 APPLICATION OF SECTIONS 185.07 TO 185.18.

HISTORY. 1933 c. 416 s. 15; M. Supp. s. 4260-15.
Minnesota labor disputes injunction act. 21 MLR 621.

185.20 INJUNCTIONS BETWEEN EMPLOYERS IN LABOR DISPUTES.

HISTORY. 1935 c. 292 s. 1; M. Supp. s. 4260-21.

185.21 LIMITATION OF SECTION 185.20.

HISTORY. 1935 c. 292 s. 2; M. Supp. s. 4260-22.

185.22 SECTIONS 185.07 TO 185.19 NOT TO APPLY TO SECTION 185.20.

HISTORY. 1935 c. 292 s. 3; M. Supp. s. 4260-23.