

CHAPTER 185**LABOR DISPUTES; INJUNCTIONS, RESTRAINING ORDERS****185.01 EMPLOYEES PERMITTED TO ORGANIZE**

Property and funds of trade union locals. 34 MLR 357.

In an action brought by the board of education of Minneapolis to restrain and enjoin public school employees' union local and its officers from striking, Minnesota Statutes, Chapter 185, applies and since the action was not brought in compliance with that act, the restraining order issued ex parte was properly vacated and set aside, and the petition for a temporary injunction was properly refused. *Board of Education v Public School Employees Union*, 233 M 144, 45 NW(2d) 797.

185.02 RESTRAINING ORDER OR INJUNCTION, WHEN NOT ISSUED

Trade unions; members; judicial interference; members rights in connection with disciplinary proceedings, expulsion, union property, and benefits. 33 MLR 156.

Either the labor union or the employer is entitled to injunctive relief under proper circumstances in case involving violation of collective bargaining agreement by the other. *Hotel & Restaurant Union v Tzakis*, 227 M 32, 33 NW(2d) 859.

185.07 JURISDICTION OF COURT LIMITED

Where a case involving a labor dispute in the field of interstate or foreign commerce is covered by the national management labor relations act, said act has exclusive jurisdiction and the state courts have none. The criterion to determine the validity of the exercise of state power in a labor dispute is not whether the N.L.R.B. has acted, or what its action would be, but whether congress has asserted its power to regulate that relationship. *Norris Grain Co. v Nordaas*, 232 M 91, 46 NW(2d) 94.

185.10 RESTRAINING ORDERS, WHEN NOT ISSUED

In an action brought by the board of education of Minneapolis to restrain and enjoin public school employee's union local and its officers from striking, Minnesota Statutes, Chapter 185, applies and since the action was not brought in compliance with that act, the restraining order issued ex parte was properly vacated and set aside, and the petition for a temporary injunction was properly refused. *Board of Education v Public School Employees' Union*, 233 M 144, 45 NW(2d) 797.

185.15 COURT TO CERTIFY PROCEEDINGS TO SUPREME COURT

In an action by plaintiff against certain defendants to restrain them from picketing plaintiff's grain elevators, to justify the issuance of a writ of prohibition, it must appear: (1) that the court, officer, or person against whom it issues is about to exercise judicial or quasi-judicial power; (2) that the exercise of such power by such court, officer, or person is unauthorized by law; and (3) that it will result in injury for which there is no other adequate remedy at law. Where it appears from the face of the record that the court has no jurisdiction over the subject matter, its orders are a nullity, and prohibition may properly be used to test its jurisdiction to act in the matter at all. In cases involving labor disputes in the field of interstate or foreign commerce covered by the Labor Management Relations Act, 1947, 29 U.S.C.A., section 141 et seq, the national labor relations board has exclusive jurisdiction and the state courts have none. *Norris Grain Co. v Nordaas*, 232 M 91, 45 NW(2d) 94.

185.19 APPLICATION OF SECTIONS 185.07 TO 185.18

In an action brought by the board of education of Minneapolis to restrain and enjoin public school employees' union local and its officers from striking, Minne-

MINNESOTA STATUTES 1953 ANNOTATIONS

551

MILITARY AND NAVAL AFFAIRS 190.07

sota Statutes, Chapter 185, applies and since the action was not brought in compliance with that act, the restraining order issued ex parte was properly vacated and set aside, and the petition for a temporary injunction was properly refused. Board of Education v Public School Employees' Union, 233 M 144, 45 NW(2d) 797.

185.21 Renumbered 185.20, subdivision 2.

185.22 Renumbered 185.20, subdivision 3.

MILITARY AND NAVAL AFFAIRS

CHAPTER 190

THE MILITARY FORCES

GENERAL PROVISIONS

190.01 MILITARY CODE

HISTORY. 1858 c 77 s 2; PS 1858 c 120 s 2; 1863 c 20; 1863 c 21; 1865 c 51; GS 1866 c 12 s 3; 1870 c 22 s 3; 1871 c 11 s 1; GS 1878 c 12 s 3; GS 1894 s 1700; 1897 c 118 s 2-9, 11-13; RL 1905 s 1039-1047; 1907 c 443 s 4; GS 1913 s 2351-2360; 1917 c 400 s 1; 1921 c 506 s 1; GS 1923 s 2395; MS 1927 s 2395.

Conscientious objectors. 36 MLR 65.

The cooperative defense of Europe. 36 MLR 795.

Military occupation in time of war. 32 MLR 319.

The powers granted congress under the federal constitution relating to organizing, arming and disciplining the militia are plenary and exclusive and they may supplement the laws and regulations provided by congress only to the extent that the congress has not as yet exercised control. The utilization of Negro manpower in postwar army policy is controlled by circular No. 32 of the department of the army, dated Oct. 30, 1947. In the organization of the Minnesota national guard there must be compliance with federal laws and regulations and no state executive order which conflicts with the federal regulations may be legally issued. OAG July 13, 1948 (310-H).

190.04 UNITED STATES ARMY REGULATIONS TO GOVERN, WHEN

Military occupation in time of war. 32 MLR 319.

190.05 DEFINITIONS

The incidents which render the veteran's family eligible under section 196.05, as amended by Laws 1947, Chapter 172, are: (1) the lack of other adequate aid, and (2) the hospitalization of the veteran. The statute does not expressly or by implication require that the reason for the hospitalization of the veteran be in some manner incident to or growing out of the veteran's military service. The fact that the hospitalization resulted through the moral fault of the veteran is immaterial. OAG June 24, 1948 (310-S).

THE ADJUTANT GENERAL

190.07 ADJUTANT GENERAL; APPOINTMENT; QUALIFICATIONS

HISTORY. 1858 c 77 s 37; PS 1858 c 120 s 37; 1862 c 4; 1865 c 51; 1870 c 22 s 3; 1871 c 11 s 1; GS 1878 c 12 s 3; GS 1894 s 1700; 1897 c 118 s 12; RL 1905 s 1047; 1907