

thereto as to interfere directly with the administration of justice, or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court; and

Demand for retirement of judge.

(d) The right to file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge, and if the attack occurred otherwise than in open court. Upon the filing of any such demand, the judge shall thereupon proceed no further but another judge shall be designated by the presiding judge of said court. The demand shall be filed prior to the hearing in the contempt proceeding.

Punishment.

Section 2. Punishment for a contempt specified in section one may be by fine not exceeding one hundred dollars, or by imprisonment not exceeding fifteen days in the jail of the county where the court is sitting, or both, in the discretion of the court. Where a person is committed to jail for the nonpayment of such a fine, he must be discharged at the expiration of fifteen days, but where he is also committed for a definite time, the fifteen days must be computed from the expiration of the definite time.

Commitment for nonpayment of fine.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 311

AN ACT

Defining labor disputes; and prescribing the procedure by which, and the conditions under which, injunctions may be granted in such disputes.

Labor disputes.

Injunctions.

Definitions.

Section 1. Be it enacted, &c., That, when used in this act, the following words and phrases, unless the context clearly shows that a different meaning is intended, shall have the respective meanings set forth in this section:

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in a single industry, trade, craft, or occupation, or who are employes of one employer, or who are members of the same or an affiliated organization of employers or employes, whether such dispute is (1) between one or more employers or associations of employers and one or more employes or associations of employes, (2) between one or more employers or associations of employers and one or more employes or associations of employes, or (3) between one or more employes or associations of employes and one or more employes or asso-

ciations of employes, or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the industry, trade, craft, or occupation in which such dispute occurs, or is a member, officer, or agent of any association of employers or employes engaged in such industry, trade, craft, or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employe, regardless of whether or not the disputants stand in the proximate relation of employer and employe.

Section 2. No court nor any judge or judges thereof shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath and testimony in opposition thereto, if offered, and except after findings of all the following facts by the court or judge or judges thereof:

Jurisdiction to issue temporary or permanent injunction.

(a) That unlawful acts have been threatened or committed and will be executed or continued unless restrained.

(b) That substantial and irreparable injury to complainant's property will follow unless the relief requested is granted.

(c) That complainant has no adequate remedy at law.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: Provided, however, That if a complainant shall also allege that unless a temporary restraining order shall be issued, before such hearing may be had, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be granted upon the expiration of such reasonable notice of application therefor as the court may direct by order to show cause: Provided further, That such order to show cause shall be served upon such party or parties as are sought to be restrained and as shall be specified in said

Notice of hearing.

Proviso.

Restraining order.

Proviso.

Issuance upon testimony or affidavits.

order, and the restraining order shall issue only upon testimony under oath or, in the discretion of the court, upon affidavits sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing as herein provided for.

Restraining order effective for 5 days.

Such a temporary restraining order shall be effective for no longer than five days and at the expiration of said five days shall become void and not subject to renewal or extension: Provided, however, That if the hearing for a temporary injunction shall have been begun before the expiration of the said five days, the restraining order may, in the court's discretion, be continued until a decision is reached upon the issuance of the temporary injunction.

Proviso.

Order may be continued.

Undertaking to be filed.

No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file an undertaking, with adequate security, sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense, against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

Order or injunction to be based on findings of fact filed by court.

Section 3. No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute except on the basis of findings of fact made and filed by the court, in the record of the case, prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as may be expressly complained of in the bill of complaint or petition filed in such case and expressly included in said findings of fact made and filed by the court as provided herein, and shall be binding only upon the parties to the suit, their agents, servants, employes, and attorneys, or those in active concert and participation with them, and who shall by personal service, or otherwise, have received notice of the same.

Prohibition of certain specific acts.

On whom binding.

Repeal.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT