

2A:15-51 et seq.

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N.J.R.S. 2A:15-51  
et seq.  
Nov. 17, 1954

Legislative Intent in Passage of

New Jersey Anti-Injunction Act, 1941: Chap. 15, N.J. Laws 1941. (Senate Bill 39)

Data and Materials Available in the Library

No hearings were held on this bill and no legislative or executive report was made on the subject.

Proceedings of the legislative bodies do not carry discussions on measures. They simply record favorable or unfavorable actions of standing committees' and roll calls. A record of the passage of S.39, citing pages in Senate and Assembly proceedings is attached.

The bill in question was enacted in the same language as introduced so there is no clue to legislative intent through amendments of the measure. The statement on the original bill is as follows:

"This is a bill to regulate and limit the issuance of restraining orders and injunctions in certain cases involving labor disputes."

Section 2 of the Anti-Injunction Act, 1941 (N.J. Laws, 1941, Chap. 15, Sec. 2, p. 26) reads as follows:

"2. In the interpretation and application of sections three to eight, inclusive, of this act, the public policy of the State of New Jersey is hereby defined and declared as follows:

Procedure that permits a complaining party to obtain sweeping injunctive relief that is not preceded by or conditioned upon notice to and hearing of the responding party or parties, or that issues after hearing based upon written affidavits alone and not wholly or in part upon examination, confrontation and cross-examination of witnesses in open court, is subject to abuse and contrary to the public policy of the State of New Jersey for the reason that

- (a) The status quo cannot be maintained, but is necessarily altered by the injunction.
- (b) Determination of issues of veracity and of probability of fact from affidavits of the opposing parties that are contradictory and, under the circumstances, untrustworthy, rather than from oral examination in open court is subject to grave error.
- (c) Error in issuing the injunctive relief is usually irreparable to the opposing party, and
- (d) Delay incident to the normal course of appellate practice frequently makes ultimate correction of error in law or in fact unavailing in the particular case."

Governor Edison in his Inaugural Address to the legislature, Jan. 21, 1941. (Minutes of the N.J. Assembly 1941, p. 44) recommended as follows:

"Now I want to recommend for the prompt consideration of the Legislature the following measures to carry out that program:

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Histories

First, the power of the Court of Chancery to issue ex parte injunctions in labor disputes should be sharply curtailed. Anti-injunction bills have, for I know not how many years, been annually introduced; the time has come to pass the legislation.

The Federal law, known as the Norris-LaGuardia Act, which curbs the power of Federal courts to issue injunctions in Labor disputes, has been almost universally approved. At least seventeen States, including nearly all of the other important industrial States, have in recent years passed similar State laws. So far as I know, not one State has repealed an anti-injunction act. There seems to be no evidence that they have not been satisfactory."

The passage of the bill in both houses was rapid and the Newark News of that period carries little comment on the measure. The bound volume of the News with pertinent passages marked is available for consultation. Its brief articles state that legislation of this nature had been introduced in the New Jersey legislature without success over a period of 27 years. State Senator Hendrickson and Majority Leader Driscoll are mentioned as expediting passage of the measure.

Philip Charles Newman's The Labor Legislation of New Jersey published by the American Council on Public Affairs, 1943, Chapter 5, The Road to Chancery Reform, contains a history of the anti-injunction movement in New Jersey. The passage and background of the Pierson bill (S.39 was introduced by Harold Pierson, Republican Senator from Morris County) is discussed in detail at p.46-48 of this Chapter.

Two New Jersey Court decisions contain statements as to the legislative intent in passage of the Anti-Injunction Act, 1941:

Isolantite, Inc. v. United Electrical Radio and Machine Workers of America. 130 N.J. Eq. 506 at 513; 22 Atl. (2d) 796. (1941)

Phelps Dodge Copper Products Corp. v. United Electrical ... Workers of America. 138 N.J. Eq. 3; 46 Atl. (2d) 453 (1946)

Newman's Labor Legislation in N. J. contains references to the State Federation of Labor Proceedings and to the N. J. Chancery Court docket. These materials are not presently available in the State Library. A set of the Federation's Proceedings are available through Rutgers University (New Brunswick) Harry Stark, Inst. of Mgs. & Labor Rel., and the N. J. Superior Court Clerk's office may be contacted for the Chancery dockets. The library collection contains all other works cited by Newman.

SENATE, No. 39

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1941

By Mr. PIERSON

Referred to Committee on Judiciary

AN ACT to limit and regulate the issuance of restraining orders and injunctions and regulating the punishment for violation thereof in disputes concerning terms or conditions of employment.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. No court of the State of New Jersey, nor any judge or judges thereof,  
2 shall issue any restraining order or temporary or permanent injunction to  
3 prohibit any person or persons (as these terms are hereinafter defined) from  
4 doing, whether singly or in concert, any of the following acts:

5 (a) Ceasing or refusing to perform any work or to remain in any  
6 relation of employment;

7 (b) Becoming or remaining a member of any labor organization or  
8 of any organization of employers, regardless of any undertaking or  
9 promise hereafter made;

10 (c) Paying or giving to, or withholding from any person or per-  
11 sons any strike or unemployment benefits or insurance or other moneys  
12 or things of value;

13 (d) By all lawful means aiding any person or persons in any labor  
14 dispute who is or are being proceeded against in, or is or are prosecut-  
15 ing, any action or suit in any court of this State;

16 (e) Giving publicity to the existence of, or the facts involved in, any  
17 labor dispute, whether by advertising, speaking, patrolling, picketing,  
18 without fraud or violence, or by any other method not involving fraud  
19 or violence, and not in violation of any other law of the State of New  
20 Jersey;

21 (f) Assembling peaceably to act or to organize to act in promotion  
22 of their interests in a labor dispute;

23 (g) Advising or notifying persons of an intention to do any of the  
24 acts heretofore specified;

25 (h) Agreeing with other persons to do or not to do any of the acts  
26 heretofore specified;

27 (i) Advising, urging, or otherwise causing or inducing without fraud  
28 or violence the acts heretofore specified regardless of any undertaking or  
29 promise hereafter made;

30 (j) Requiring as a condition of employment that all employees of a  
31 particular employer or group of employers shall be members of a par-  
32 ticular labor organization.

33 (k) The aforesaid acts are hereby declared, as a matter of public  
34 policy of the State of New Jersey, to be lawful and in no wise to constitute  
35 a tort or a nuisance.

1 2. In the interpretation and application of sections three to eight, inclu-  
2 sive, of this act, the public policy of the State of New Jersey is hereby defined  
3 and declared as follows:

4 Procedure that permits a complaining party to obtain sweeping injunctive  
5 relief that is not preceded by or conditioned upon notice to and hearing of the  
6 responding party or parties, or that issues after hearing based upon written  
7 affidavits alone and not wholly or in part upon examination, confrontation and  
8 cross-examination of witnesses in open court, is subject to abuse and contrary  
9 to the public policy of the State of New Jersey for the reason that

10 (a) The status quo cannot be maintained, but is necessarily altered  
11 by the injunction.

12 (b) Determination of issues of veracity and of probability of fact  
13 from affidavits of the opposing parties that are contradictory and, under  
14 the circumstances, untrustworthy, rather than from oral examination in  
15 open court is subject to grave error.

16 (c) Error in issuing the injunctive relief is usually irreparable to  
17 the opposing party, and

18 (d) Delay incident to the normal course of appellate practice  
19 frequently makes ultimate correction of error in law or in fact un-  
20 availing in the particular case.

1 3. No court of the State of New Jersey nor any judge or judges  
2 thereof shall issue a temporary or permanent injunction in any case involving  
3 or growing out of a labor dispute, as herein defined, except after hearing the  
4 testimony of witnesses in open court (with opportunity for cross-examina-  
5 tion) in support of the allegations of a bill of complaint made under oath,  
6 and testimony in opposition thereto, if offered, and except after findings of  
7 all the following facts by the court or judge or judges thereof:

8 (a) That unlawful acts have been committed and are likely to be  
9 continued unless restrained;

10 (b) That substantial and irreparable injury to complainant's prop-  
11 erty will follow unless the relief is granted;

12 (c) That as to each item of relief granted greater injury will be  
13 inflicted upon complainant by the denial thereof than will be inflicted  
14 upon defendants by the granting thereof;

15 (d) That complainant has no adequate remedy at law.

16 Such hearing shall be held after due and personal notice thereof has been  
17 given, in such manner as the court shall direct, to all known persons against  
18 whom relief is sought; *provided, however*, that if a complainant shall also al-  
19 lege that unless a temporary restraining order shall be issued without notice,  
20 a substantial and irreparable injury to complainant's property will be un-  
21 avoidable, then in that case a temporary restraining order may be issued; *pro-*  
22 *vided*, the complainant presents oral testimony under oath sufficient to jus-  
23 tify the court in issuing a temporary injunction upon a hearing after notice.

24 Such temporary restraining order shall be effective for no longer than  
25 five (5) days, and at the expiration of said five (5) days shall become void.

26 No temporary restraining order or temporary injunction or permanent  
27 injunction shall be allowed, except upon condition that complainant shall first  
28 file with the court a bond or undertaking, in favor of the person or persons  
29 enjoined or restrained, in an amount to be fixed by the court issuing the  
30 restraining order or injunction, sufficient to secure to the person or persons  
31 enjoined their court costs, attorney and counsel fees taxed against the com-  
32 plainant, in the event that the injunctive relief sought is subsequently denied  
33 by the court or in the event that the order, judgment, or decree granting  
34 such injunctive relief is thereafter reversed by an appellate court.

1 4. No restraining order or injunctive relief shall be granted to any  
2 complainant who has failed to comply with any obligation imposed by law  
3 which is involved in the labor dispute in question, or who has failed to make  
4 every reasonable effort to settle such dispute either by negotiation or with  
5 the aid of any available governmental machinery of mediation or voluntary  
6 arbitration.

1 5. (a) No restraining order or temporary or permanent injunction shall  
2 be granted in a case involving or growing out of a labor dispute, except on the  
3 basis of findings of fact made and filed by the court in the record of the case  
4 prior to the issuance of such restraining order or injunction; and every  
5 restraining order or injunction granted in a case involving or growing out of  
6 a labor dispute shall include only a prohibition of such specific act or acts as  
7 may be expressly complained of in the bill of complaint or petition filed in  
8 such case and as shall be expressly included in said findings of fact made  
9 and filed by the court as provided herein.

10 (b) No permanent injunction shall remain in full force more than six (6)  
11 months from the date on which the decree and order or either is filed; *pro-*  
12 *vided, however,* that the duration of the injunction might be extended for an-  
13 other six (6) months if after a further hearing initiated and conducted in the  
14 same manner as the original hearing, the court shall determine that the in-

15 junction shall be continued or modified in accordance with the findings of fact  
16 on the subsequent hearing.

1       6. Whenever any person or persons shall be cited for disobeying, or  
2 shall be directed or ordered to show cause why they should not be adjudged  
3 in contempt of court for disobeying the restraining order, temporary in-  
4 junction, or injunction above mentioned, then the person or persons so cited  
5 or directed or ordered to show cause shall, on application to the Chancellor,  
6 have the facts concerning such dispute determined by a jury presided over  
7 by a judicial officer other than the one who issued such temporary restrain-  
8 ing order, temporary injunction, or permanent injunction and shall order such  
9 jury trial. Such jury shall be summoned at the direction of the court from  
10 the panel of jurors summoned for duty in the court of common pleas from  
11 the term when the alleged violation of the order of temporary restraint or  
12 injunction, or the contempt, is to be tried; *provided, however*, that if the  
13 trial upon such violation or contempt is had at a time when there is no panel  
14 of jurors for the court of common pleas, the said jury shall be selected from  
15 the last preceding panel used in and for said court of common pleas. In  
16 selecting the jurors, the person applying for the contempt order, decree or  
17 judgment and the person or persons to be tried for such violation or con-  
18 tempt shall each be entitled to challenge six (6) members of the panel  
19 peremptorily and without assigning any cause or reason therefor. The pro-  
20 cedure before the court presiding at the hearing on the citation in impanel-  
21 ing and selecting the jury and in admitting evidence shall be the same as  
22 that provided for civil cases tried in the circuit court. The jurymen so  
23 summoned shall be entitled to the same fees for services as are now allowed  
24 in other civil trials. In the event that the person cited or directed or ordered  
25 to show cause as aforesaid shall not demand a jury trial, then and in that  
26 case, such dispute shall be determined and presided over by a judicial officer  
27 other than the one who issued such temporary restraining order, temporary  
28 injunction or permanent injunction.

1       7. Punishment for a contempt specified in section six hereof may be by  
2 fine, not exceeding one hundred dollars (\$100.00), or by imprisonment not  
3 exceeding fifteen (15) days, in the jail of the county where the court is  
4 sitting, or both, in the discretion of the court; *provided, however*, that this  
5 limitation shall not apply to any contempt conviction based on violations  
6 committed by a defendant subsequent to his initial conviction for violating  
7 any provision of the same injunction. Where a person is committed to jail,  
8 for the nonpayment of such a fine, he must be discharged at the expiration of  
9 fifteen (15) days; but where he is also committed for a definite time, the  
10 fifteen (15) days must be computed from the expiration of the definite time.

1       8. When used in this act, and for the purpose of this act: (a) A case  
2 shall be held to involve or to grow out of a labor dispute when the case in-  
3 volves persons who are engaged in industry, trade, craft, employment,  
4 or occupation; or who are members of an affiliated organization of em-  
5 ployers or employees; whether such dispute is (1) between one or more em-  
6 ployees and one or more employers; (2) between one or more employees and  
7 an association or associations of employees or employers; (3) between an as-  
8 sociation or associations of employees and any other association or associa-  
9 tions of employees; (4) between one or more associations of employees and  
10 one or more employers or associations of employers; or when the case in-  
11 volves any conflicting or competing interests in a "labor dispute" (as here-  
12 inafter defined) of "persons participating or interested" therein (as here-  
13 inafter defined).

14       (b) A person or association shall be held to be a person participating  
15 or interested in a labor dispute if relief is sought against him or it, and if  
16 he or it is engaged in the industry, trade, craft, or occupation in which  
17 such dispute occurs, or has a direct or indirect interest therein, or is a member,  
18 officer, or agent of any association of employers or employees engaged in  
18½ such industry, trade, craft, or occupation.

19       (c) The term "labor dispute" includes any controversy concerning terms  
20 or conditions of employment, or concerning the association or representation

21 of persons in negotiating, fixing, maintaining, changing, or seeking to ar-  
22 range terms or conditions of employment, or concerning employment rela-  
23 tions, or any other controversy arising out of the respective interests of em-  
24 ployer and employee, regardless of whether or not the disputants standing in  
25 the proximate relation of employer and employee.

26 (d) The word "person" as used in this act shall include the plural  
27 thereof and shall include and be taken to mean any organization of such  
28 persons. Wherever used in this act, the words "complainant," "employer,"  
29 "employee," and "proximate relation of employer and employee" shall in-  
30 clude the plural thereof.

1 9. If any provision of this act or the application thereof to any person  
2 or circumstances is held or declared invalid or unconstitutional, the re-  
3 mainder of the act and the application of such provisions to other persons or  
4 circumstances shall not be affected thereby.

1 10. All acts and parts of acts inconsistent herewith are hereby repealed.

1 11. This act shall take effect immediately.

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#### STATEMENT

This is a bill to regulate and limit the issuance of restraining orders and  
injunctions in certain cases involving labor disputes.

*Senate 39 OCR follows  
Senate 40*

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SENATE, No. 39

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1941

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6 relation of employment;

7 (b) Becoming or remaining a member of any labor organization or  
8 of any organization of employers, regardless of any undertaking or  
9 promise hereafter made;

10 (c) Paying or giving to, or withholding from any person or per-  
11 sons any strike or unemployment benefits or insurance or other moneys  
12 or things of value;

13 (d) By all lawful means aiding any person or persons in any labor  
14 dispute who is or are being proceeded against in, or is or are prosecut-  
15 ing, any action or suit in any court of this State;

16 (e) Giving publicity to the existence of, or the facts involved in, any  
17 labor dispute, whether by advertising, speaking, patrolling, picketing,  
18 without fraud or violence, or by any other method not involving fraud  
19 or violence, and not in violation of any other law of the State of New  
20 Jersey;

21 (f) Assembling peaceably to act or to organize to act in promotion  
22 of their interests in a labor dispute;

23 (g) Advising or notifying persons of an intention to do any of the  
24 acts heretofore specified;

25 (h) Agreeing with other persons to do or not to do any of the acts  
26 heretofore specified;

27 (i) Advising, urging, or otherwise causing or inducing without fraud  
28 or violence the acts heretofore specified regardless of any undertaking or  
29 promise hereafter made;

30 (j) Requiring as a condition of employment that all employees of a  
31 particular employer or group of employers shall be members of a par-  
32 ticular labor organization.

33 (k) The aforesaid acts are hereby declared, as a matter of public  
34 policy of the State of New Jersey, to be lawful and in no wise to constitute  
35 a tort or a nuisance.

1 2. In the interpretation and application of sections three to eight, inclu-  
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13 from affidavits of the opposing parties that are contradictory and, under  
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15 open court is subject to grave error.

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17 the opposing party, and

18 (d) Delay incident to the normal course of appellate practice  
19 frequently makes ultimate correction of error in law or in fact un-  
20 availing in the particular case.

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2 thereof shall issue a temporary or permanent injunction in any case involving  
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4 testimony of witnesses in open court (with opportunity for cross-examina-  
5 tion) in support of the allegations of a bill of complaint made under oath,  
6 and testimony in opposition thereto, if offered, and except after findings of  
7 all the following facts by the court or judge or judges thereof:

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9 continued unless restrained;

10 (b) That substantial and irreparable injury to complainant's prop-  
11 erty will follow unless the relief is granted;

12 (c) That as to each item of relief granted greater injury will be  
13 inflicted upon complainant by the denial thereof than will be inflicted  
14 upon defendants by the granting thereof;

15 (d) That complainant has no adequate remedy at law.

16 Such hearing shall be held after due and personal notice thereof has been  
17 given, in such manner as the court shall direct, to all known persons against  
18 whom relief is sought; *provided, however*, that if a complainant shall also al-  
19 lege that unless a temporary restraining order shall be issued without notice,  
20 a substantial and irreparable injury to complainant's property will be un-  
21 avoidable, then in that case a temporary restraining order may be issued; *pro-*  
22 *vided*, the complainant presents oral testimony under oath sufficient to jus-  
23 tify the court in issuing a temporary injunction upon a hearing after notice.

24 Such temporary restraining order shall be effective for no longer than  
25 five (5) days, and at the expiration of said five (5) days shall become void.

26 No temporary restraining order or temporary injunction or permanent  
27 injunction shall be allowed, except upon condition that complainant shall first  
28 file with the court a bond or undertaking, in favor of the person or persons  
29 enjoined or restrained, in an amount to be fixed by the court issuing the  
30 restraining order or injunction, sufficient to secure to the person or persons  
31 enjoined their court costs, attorney and counsel fees taxed against the com-  
32 plainant, in the event that the injunctive relief sought is subsequently denied  
33 by the court or in the event that the order, judgment, or decree granting  
34 such injunctive relief is thereafter reversed by an appellate court.

1 4. No restraining order or injunctive relief shall be granted to any  
2 complainant who has failed to comply with any obligation imposed by law  
3 which is involved in the labor dispute in question, or who has failed to make  
4 every reasonable effort to settle such dispute either by negotiation or with  
5 the aid of any available governmental machinery of mediation or voluntary  
6 arbitration.

1 5. (a) No restraining order or temporary or permanent injunction shall  
2 be granted in a case involving or growing out of a labor dispute, except on the  
3 basis of findings of fact made and filed by the court in the record of the case  
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6 a labor dispute shall include only a prohibition of such specific act or acts as  
7 may be expressly complained of in the bill of complaint or petition filed in  
8 such case and as shall be expressly included in said findings of fact made  
9 and filed by the court as provided herein.

10 (b) No permanent injunction shall remain in full force more than six (6)  
11 months from the date on which the decree and order or either is filed; *pro-*  
12 *vided, however,* that the duration of the injunction might be extended for an-  
13 other six (6) months if after a further hearing initiated and conducted in the  
14 same manner as the original hearing, the court shall determine that the in-

15 junction shall be continued or modified in accordance with the findings of fact  
16 on the subsequent hearing.

1       6. Whenever any person or persons shall be cited for disobeying, or  
2 shall be directed or ordered to show cause why they should not be adjudged  
3 in contempt of court for disobeying the restraining order, temporary in-  
4 junction, or injunction above mentioned, then the person or persons so cited  
5 or directed or ordered to show cause shall, on application to the Chancellor,  
6 have the facts concerning such dispute determined by a jury presided over  
7 by a judicial officer other than the one who issued such temporary restrain-  
8 ing order, temporary injunction, or permanent injunction and shall order such  
9 jury trial. Such jury shall be summoned at the direction of the court from  
10 the panel of jurors summoned for duty in the court of common pleas from  
11 the term when the alleged violation of the order of temporary restraint or  
12 injunction, or the contempt, is to be tried; *provided, however*, that if the  
13 trial upon such violation or contempt is had at a time when there is no panel  
14 of jurors for the court of common pleas, the said jury shall be selected from  
15 the last preceding panel used in and for said court of common pleas. In  
16 selecting the jurors, the person applying for the contempt order, decree or  
17 judgment and the person or persons to be tried for such violation or con-  
18 tempt shall each be entitled to challenge six (6) members of the panel  
19 peremptorily and without assigning any cause or reason therefor. The pro-  
20 cedure before the court presiding at the hearing on the citation in impanel-  
21 ing and selecting the jury and in admitting evidence shall be the same as  
22 that provided for civil cases tried in the circuit court. The jurymen so  
23 summoned shall be entitled to the same fees for services as are now allowed  
24 in other civil trials. In the event that the person cited or directed or ordered  
25 to show cause as aforesaid shall not demand a jury trial, then and in that  
26 case, such dispute shall be determined and presided over by a judicial officer  
27 other than the one who issued such temporary restraining order, temporary  
28 injunction or permanent injunction.

1       7. Punishment for a contempt specified in section six hereof may be by  
2 fine, not exceeding one hundred dollars (\$100.00), or by imprisonment not  
3 exceeding fifteen (15) days, in the jail of the county where the court is  
4 sitting, or both, in the discretion of the court; *provided, however*, that this  
5 limitation shall not apply to any contempt conviction based on violations  
6 committed by a defendant subsequent to his initial conviction for violating  
7 any provision of the same injunction. Where a person is committed to jail,  
8 for the nonpayment of such a fine, he must be discharged at the expiration of  
9 fifteen (15) days; but where he is also committed for a definite time, the  
10 fifteen (15) days must be computed from the expiration of the definite time.

1       8. When used in this act, and for the purpose of this act: (a) A case  
2 shall be held to involve or to grow out of a labor dispute when the case in-  
3 volves persons who are engaged in industry, trade, craft, employment,  
4 or occupation; or who are members of an affiliated organization of em-  
5 ployers or employees; whether such dispute is (1) between one or more em-  
6 ployees and one or more employers; (2) between one or more employees and  
7 an association or associations of employees or employers; (3) between an as-  
8 sociation or associations of employees and any other association or associa-  
9 tions of employees; (4) between one or more associations of employees and  
10 one or more employers or associations of employers; or when the case in-  
11 volves any conflicting or competing interests in a "labor dispute" (as here-  
12 inafter defined) of "persons participating or interested" therein (as here-  
13 inafter defined).

14       (b) A person or association shall be held to be a person participating  
15 or interested in a labor dispute if relief is sought against him or it, and if  
16 he or it is engaged in the industry, trade, craft, or occupation in which  
17 such dispute occurs, or has a direct or indirect interest therein, or is a member,  
18 officer, or agent of any association of employers or employees engaged in  
18½ such industry, trade, craft, or occupation.

19       (c) The term "labor dispute" includes any controversy concerning terms  
20 or conditions of employment, or concerning the association or representation

21 of persons in negotiating, fixing, maintaining, changing, or seeking to ar-  
22 range terms or conditions of employment, or concerning employment rela-  
23 tions, or any other controversy arising out of the respective interests of em-  
24 ployer and employee, regardless of whether or not the disputants standing in  
25 the proximate relation of employer and employee.

26 (d) The word "person" as used in this act shall include the plural  
27 thereof and shall include and be taken to mean any organization of such  
28 persons. Wherever used in this act, the words "complainant," "employer,"  
29 "employee," and "proximate relation of employer and employee" shall in-  
30 clude the plural thereof.

1 9. If any provision of this act or the application thereof to any person  
2 or circumstances is held or declared invalid or unconstitutional, the re-  
3 mainder of the act and the application of such provisions to other persons or  
4 circumstances shall not be affected thereby.

1 10. All acts and parts of acts inconsistent herewith are hereby repealed.

1 11. This act shall take effect immediately.