

HOUSE No. 379

Bill accompanying the petition of the Massachusetts State Branch of the American Federation of Labor for legislation to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy." Joint Judiciary. January 10.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To regulate the Issuance of Restraining Orders and Injunctions and Procedure thereon and to limit the Meaning of "Conspiracy."

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. No restraining order or injunction shall
2 be granted by any court of the commonwealth of Massa-
3 chusetts or a judge or the judges thereof in any case
4 between an employer and an employee or between em-
5 ployers and employees, or between employees, or be-
6 tween persons employed to labor and persons seeking
7 employment as laborers or between persons seeking
8 employment as laborers or involving or growing out of a
9 dispute concerning terms or conditions of employment,
10 unless necessary to prevent irreparable injury to property
11 or to a property right of the party making the applica-
12 tion for which injury there is no adequate remedy at

13 law, and such property or property right must be par-
14 ticularly described in the application, which must be
15 in writing and sworn to by the applicant or by his, her
16 or its agent or attorney. And for the purpose of this
17 act no right to continue the relation of employer and
18 employee or to assume or create such relation with any
19 particular person or persons, or at all, or to carry on
20 business of any particular kind, or at any particular
21 place, or at all, shall be construed, held, considered or
22 treated as property or as constituting a property right.

1 SECTION 2. In cases arising in the courts of the
2 commonwealth of Massachusetts or coming before said
3 courts or before any judge or the judges thereof, no
4 agreement between two or more persons concerning the
5 terms or conditions of employment of labor or the as-
6 sumption or creation or termination of any relation
7 between employer and employees or concerning any act
8 or thing to be done or not to be done with reference to
9 or involving or growing out of a labor dispute, shall
10 constitute a conspiracy or other criminal offense or be
11 punished or prosecuted as such unless the act or thing
12 agreed to be done or not to be done would be unlawful
13 if done by a single individual, nor shall the entering into
14 or the carrying out of any such agreement be restrained
15 or enjoined unless such act or thing agreed to be done
16 would be subject to be restrained or enjoined under the
17 provisions, limitations and definition contained in the
18 first section of this act.

1 SECTION 3. That all acts and parts of acts in conflict
2 with the provisions of this act are hereby repealed.

1 SECTION 4. This act shall take effect upon its passage.