

UNITED STATES DISTRICT COURT,
DISTRICT OF MINNESOTA,
FIFTH DIVISION

THE DULUTH & IRON RANGE RAILROAD COMPANY, A CORPORATION, Plaintiff.

vs.
International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, and Iron Dock Lodge No. 437 of said Brotherhood; International Brotherhood of Blacksmiths, Drop-forgers and Helpers; International Brotherhood of Electrical Workers, Northwestern Council of Railroad Electrical Workers, and Lodge No. 921 of said Brotherhood; Brotherhood of Railway Car Men of America, and Agate Bay Lodge No. 831 of said Brotherhood; International Alliance of Amalgamated Sheet Metal Workers, Northwestern District Council of Railway Employes Sheet Metal Workers, and Lodge No. 542 of said Alliance; International Association of Machinists, and North Shore Lodge No. 647 of said Association; International Brotherhood of Stationary Firemen and Oilers, and Lodge No. 411 of said Brotherhood; Joint Federation of Shop Craft Employes of Northwestern Railroads; Duluth and Iron Range System Federation, No. 81, located at Two Harbors, Minnesota; W. A. Parranto; Charles R. Larson; J. H. Hockings; F. A. Weibel; P. Klemmetson; Charles Alm; C. J. McGlogan; L. Waxlar; Gust Gustafson; T. A. Berry; John T. Pewters; Scott L. Gipple; Gust Morton; Martin Bjorum; Arthur Corrigan; C. W. Dawson; Harry Lueck; R. A. Henning; M. Adams; J. E. Barnes, S. A. Woolen; Charles Koneczny; Wallace Johnson; Theodore Hanson; John McCafferty; Frederick Wickstrom; Edward Kronman; Cyrel Woolsey, and other members of said Brotherhoods, Councils, Alliances, Federations, Lodges and Organizations, or any of them, located, residing or sojourning, permanently or temporarily, at or near points on plaintiff's line of railroad, individually and as members or representatives of said Brotherhoods, Councils, Alliances, Federations, Lodges and Organizations, or any of them, and all other persons combining and conspiring with them of whom those above named are representatives or otherwise.

In Equity.

RESTRAINING ORDER.

TO EACH OF THE ABOVE NAMED DEFENDANTS, RESPECTIVELY, AND TO ALL OTHER PERSONS AFFILIATED, ACTING, COMBINING, CONSPIRING, AGREEING OR ARRANGING WITH THEM:

Whereas, in the above named case it has been made to appear on verified bill of complaint filed herein, which was on the 24th day of July, 1922, presented to the Honorable Page Morris, Judge of the United States District Court for the District of Minnesota, Fifth Division, that a restraining order, preliminary to hearing upon a preliminary injunction, is necessary and proper and that prima facie the plaintiff is entitled to a restraining order, restraining the defendants herein and those affiliated, acting, co-operating, confederating, combining, conspiring, agreeing or arranging with them from doing the acts complained of and threatened to be committed.

And it appearing to the Court that the injuries threatened are: great loss and destruction of plaintiff's property, wrongful and unlawful interruption of and interference with the conduct of plaintiff's business as a common carrier and carrier of the United States mails, preventing plaintiff from performing its duties under the Interstate Commerce Act and other Federal statutes applicable to railroads and will subject plaintiff to fines for failure to promptly and safely carry the United States mails in accordance with the laws of the United States, and loss of life and personal injury to plaintiff's employes; and it further appearing to the Court that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served and hearing had thereon, for the reason that it appears that acts of violence are being perpetrated by the above named defendants and other persons combining, conspiring, acting, agreeing or arranging with them, and that such persons have established unlawful picket lines and have threatened the employes of plaintiff in divers unlawful ways, so that the employes of plaintiff are being hindered, molested, intimidated and prevented from performing their regular work in connection with the maintenance and repair of plaintiff's motive power and equipment, so that there is imminent and immediate danger that the train service of plaintiff will be interfered with, delayed and interrupted; and it further appearing to the Court that said injuries will be irreparable for the reason that defendants are not so financially responsible that adequate judgments could be collected from them, and that the acts complained of are so numerous and committed under such circumstances that many of the individuals guilty thereof cannot be apprehended; that said wrongful acts are of such a character that they cannot be compensated for in damages, and that said acts will be committed before hearing unless a restraining order is issued immediately and without notice to defendants;

NOW, THEREFORE, on motion of the plaintiff, it is ordered that the defendants appear before the District Court of the United States, District of Minnesota, Fifth Division, at a session to be held in the City of Duluth, in the State of Minnesota, in said District upon Thursday, the 3rd day of August, 1922, at 10 o'clock in the forenoon of the said day and then and there show cause, if any there be, why the preliminary injunction therein prayed should not issue, and it appearing to the Court that the injuries for the prevention of which this restraining order is issued are injuries to and interference with plaintiff's business as a common carrier in interstate commerce and as a carrier of the United States mails; that such injuries are irreparable because they cannot be compensated for in damages, and may subject plaintiff to fines and forfeitures. This restraining order is granted without notice, because such injuries are liable to occur before a hearing upon notice can be had.

IT IS THEREFORE ORDERED, that a temporary restraining order be and hereby is issued herein, commanding the defendants hereinbefore described, and any and all other persons in active concert or participating with them, and all persons associating or acting with them in the so-called "strike" of the members of all the federated shopcrafts named, and all other persons who are within the district of Minnesota, having notice of this order pending the further order of this Court to absolutely desist and refrain from—

- (1) In any manner interfering with the free use and occupation by plaintiff of any and all its property or premises of every kind or character, and from interfering with, hindering, obstructing or stopping any of the business of plaintiff or its agents, officers and employes in the operation of plaintiff's railroad or any department or part thereof; and restraining them from such interference.
- (2) In any manner whatsoever, by use of threats, personal injury, suggestions of danger, or threats of violence of any kind, interfering with, hindering, obstructing or stopping any person engaged in the employ of the plaintiff, or any person desiring to enter its employment in connection with its business or the operation of its line of railroad in the District of Minnesota.
- (3) Inducing or attempting to induce or compel by threats, intimidation, force, or violence, or by the fear or suggestion of harm or danger, any person so employed or desiring such employment so as to cause them to refuse to perform any of their duties as employes, if employed, or to enter such employment, if they so desire.
- (4) Interfering with the employes of said plaintiff in going to or from their daily work.
- (5) Going to the homes of said plaintiff's employes, either singly or collectively, or any of them, for the purpose of intimidating them, or coercing any or all of them to leave the employment of the plaintiff, and from intimidating or threatening by letters, telephone or in any manner the wives, families or properties of said employes.
- (6) Protecting, aiding or assisting any person or persons in committing any of said acts so restrained as aforesaid.
- (7) Trespassing, assembling, loitering or congregating upon, about or in proximity to the shops, roundhouses, depots, tracks, yards or other premises of the plaintiff at Duluth, Two Harbors, Biwabik, Tower Junction, Ely, or elsewhere in Minnesota, for the purpose of doing or attempting to do any of the acts so restrained, as aforesaid.
- (8) Picketing or maintaining at or near the premises of the plaintiff or on or near the streets, alleys, paths or roads leading to the premises of the plaintiff, any representative or representatives, except that one representative of all of said defendants may be maintained at each of the points of ingress and egress to said premises now and ordinarily used or hereafter established, but for the purpose only of announcing the strike and peaceably persuading the employes and would-be employes to join defendants in it.
- (9) Doing any act or thing whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct or interfere with plaintiff, its officers, agents or employes in the free and unrestrained control and operation of its railroad and the conduct of its business, and from defacing, tearing down, or in any manner or way mutilating any copies of any writs issued or posted hereunder.

Service of this order shall be made by copy thereof served on the defendants named in the bill. It is further ordered that a copy of this order shall be published in The Duluth Herald and the Duluth News Tribune, both in Duluth, Minnesota, and in the Lake County Chronicle, in Two Harbors, Minnesota, and in such other newspapers as plaintiff may deem advisable; and that a copy also be posted in three public places in close proximity to the shops of plaintiff at the several places mentioned herein; and that the Marshal of this Court be directed immediately to publish and post notices of this Restraining Order in the manner stated, and that he be and hereby is authorized and directed to commission a sufficient number of Deputy Marshals to make this order in all respects promptly effective, and to continue the same in effect until the further order of this Court.

The plaintiff, having given a bond in the penal sum of Five Thousand Dollars (\$5,000.00), conditioned according to law, this order be, and the same hereby is made immediately effective.

This order to remain in effect until the 3rd day of August, A. D. 1922, and to such further time as this Court may hereafter order in the manner provided by law, of which notice must be taken.

This order signed and issued this 24th day of July, 1922, at one-thirty o'clock P. M.

PAGE MORRIS, Judge.

UNITED STATES DISTRICT COURT,
DISTRICT OF MINNESOTA,
FIFTH DIVISION.

I, Joel M. Dickey, Clerk of the District Court of the United States for the District of Minnesota, Fifth Division, do hereby certify that the above and foregoing is a true and correct copy of a restraining order made and entered of record on July 24, A. D. 1922, in the case of The Duluth & Iron Range Railroad Company, a corporation, Plaintiff, vs. International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, and Iron Dock Lodge No. 437 of said Brotherhood, et al., as the same is now of record in the office of said Court.

Witness my hand and official seal at my office in the City of Duluth, in said District, this 24th day of July, A. D. 1922.

JOEL M. DICKEY, Clerk.
By E. CATHERINE NEFF, Deputy.

(U. S. Dist. Court Seal, Dist. of Minnesota, Fifth Division.)

UNITED STATES DISTRICT COURT,
DISTRICT OF MINNESOTA,
FIFTH DIVISION.

DULUTH, MISSABE & NORTHERN RAILWAY COMPANY, A CORPORATION, Plaintiff.

vs.
International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, and Proctor Local Lodge No. 640 of said Brotherhood; International Brotherhood of Blacksmiths, Drop-forgers and Helpers, and Duluth Local Lodge No. 23 thereof; International Brotherhood of Electrical Workers, Northwestern Council of Railroad Electrical Workers, and Local Lodge No. 533 of said Brotherhood; Brotherhood of Railway Carmen of America, and Local Lodge No. 755 of said Brotherhood; International Alliance of Amalgamated Sheet Metal Workers, Northwestern District Council of Railway Employes Sheet Metal Workers, and Proctor Local No. 502 of said Alliance; International Association of Machinists, and Proctor Local No. 615 of said Association; Joint Federation of Shop Craft Employes of Northwestern Railroads; W. A. Parranto; James Johnson; Andrew Olson; F. A. Weibel; Nels Nelson, John Korby; Peter Hessen; J. M. Findlay; A. Gallagher; C. J. McGlogan; Louis C. Shovein; Joe Hassett; H. W. Hughes; John T. Pewters; Scott L. Gipple; Robert Hendry; John Tofte; George Lurtz; C. O. Peterson; Walter Peterson; Arthur Corrigan; A. G. Long; D. Hermanson; Reginald Davis; I. Bakken; R. A. Henning; M. Adams; Harry Peterson; M. Valentine; Oscar Bjerke, and all other members of said Brotherhoods, Councils, Alliances, Federations, Lodges and Organizations, or any of them, located, residing or sojourning permanently or temporarily at or near points on plaintiff's line of railroad, individually and as members or representatives of said Brotherhoods, Councils, Alliances, Federations, Lodges and Organizations, or any of them, and all other persons combining and conspiring with them, of whom those above named are representatives or otherwise.

IN EQUITY.

RESTRAINING ORDER.

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And it appearing to the Court that the injuries threatened are: Great loss and destruction of plaintiff's property, wrongful and unlawful interruption of and interference with the conduct of plaintiff's business as a common carrier and carrier of the United States mails, preventing plaintiff from performing its duties under the Interstate Commerce Act and other Federal statutes applicable to railroads and will subject plaintiff to fines for failure to promptly and safely carry the United States mails in accordance with the laws of the United States, and loss of life and personal injury to plaintiff's employes; and it further appearing to the Court that immediate and irreparable injury, loss and damage will result to plaintiff before notice can be served and hearing had thereon, for the reason that it appears that acts of violence are being perpetrated by the above named defendants and other persons combining, conspiring, acting, agreeing or arranging with them, and that such persons have established unlawful picket lines and have threatened the employes of plaintiff in divers unlawful ways, so that the employes of plaintiff are being hindered, molested, intimidated and prevented from performing their regular work in connection with the maintenance and repair of plaintiff's motive power and equipment, so that there is imminent and immediate danger that the train service of plaintiff will be interfered with, delayed and interrupted; and it further appearing to the Court that said injuries will be irreparable for the reason that defendants are not so financially responsible that adequate judgments could be collected from them, and that the acts complained of are so numerous and committed under such circumstances that many of the individuals guilty thereof cannot be apprehended; that said wrongful acts are of such a character that they cannot be compensated for in damages, and that said acts will be committed before hearing unless a restraining order is issued immediately and without notice to defendants;

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- (1) In any manner interfering with the free use and occupation by plaintiff of any and all its property or premises of every kind or character, and from interfering with, hindering, obstructing or stopping any of the business of plaintiff or its agents, officers and employes in the operation of plaintiff's railroad or any department or part thereof; and restraining them from such interference.
- (2) In any manner whatsoever, by use of threats, personal injury, suggestions of danger, or threats of violence of any kind, interfering with, hindering, obstructing or stopping any person engaged in the employ of the plaintiff, or any person desiring to enter its employment in connection with its business or the operation of its line of railroad in the District of Minnesota.
- (3) Inducing or attempting to induce or compel by threats, intimidation, force, or violence, or by the fear or suggestion of harm or danger, any person so employed or desiring such employment so as to cause them to refuse to perform any of their duties as employes, if employed, or to enter such employment, if they do desire.
- (4) Interfering with the employes of said plaintiff in going to or from their daily work.
- (5) Going to the homes of said plaintiff's employes, either singly or collectively, or any of them, for the purpose of intimidating them, or coercing any or all of them to leave the employment of the plaintiff, and from intimidating or threatening by letters, telephone or in any manner the wives, families or properties of said employes.
- (6) Protecting, aiding or assisting any person or persons in committing any of said acts so restrained as aforesaid.
- (7) Trespassing, assembling, loitering or congregating upon, about or in proximity to the shops, roundhouses, depots, tracks, bridges or viaducts crossing the same, yards or other premises of the plaintiff at Duluth, Proctor, Virginia, Mitchell and Coleraine, or elsewhere in Minnesota, for the purpose of doing or attempting to do any of the acts so restrained, as aforesaid.
- (8) Picketing or maintaining at or near the premises of the plaintiff or on or near the streets, alleys, paths, roads, bridges or viaducts leading to the premises of the plaintiff, any representative or representatives, except that one representative of all of said defendants may be maintained at each of the points of ingress and egress to said premises now and ordinarily used or hereinafter established, but for the purpose only of announcing the strike and peaceably persuading the employes and would-be employes to join defendants in it.
- (9) Doing any act or thing whatever in furtherance of any conspiracy or combination among them, or any of them, to obstruct or interfere with plaintiff, its officers, agents or employes in the free and unrestrained control and operation of its railroad and the conduct of its business, and from defacing, tearing down, or in any manner or way mutilating any copies of any writs issued or posted hereunder.

Service of this order shall be made by copy thereof served on the defendants named in the bill. It is further ordered that a copy of this order shall be published in The Duluth Herald and The Duluth News Tribune, both in Duluth, Minnesota, and in the Proctor Journal, in Proctor, Minnesota, and in such other newspapers as plaintiff may deem advisable; and that a copy also be posted in three public places in close proximity to the shops of plaintiff at the several places mentioned herein; and that the Marshal of this Court be directed immediately to publish and post notices of this Restraining Order in the manner stated, and that he be and hereby is authorized and directed to commission a sufficient number of Deputy Marshals to make this order in all respects promptly effective, and to continue the same in effect until the further order of this Court.

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This order signed and issued this 24th day of July, 1922, at one-thirty o'clock p. m.

PAGE MORRIS, Judge.

UNITED STATES DISTRICT COURT,
District of Minnesota,
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Witness my hand and official seal at my office in the City of Duluth, in said District, this 24th day of July, A. D. 1922.

JOEL M. DICKEY, Clerk.
By E. CATHERINE NEFF, Deputy.

(U. S. Dist. Court Seal, Dist. of Minnesota, Fifth Division.)