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Jurisdiction of State Equity Courts

NATIONAL LABOR RELATIONS ACT

JURISDICTION OF STATE EQUITY COURTS

Complainant was discharged for alleged violation of a labor contract between defendant company and defendant union. He seeks reinstatement and an injunction against the enforcement of the contract in a state court of equity. Held, action dismissed. A state court of equity has no jurisdiction over disputes cognizable under the National Labor Relations Act. Keller v. American Cyanide Co., —N.J. Eq.—, 28 Atl. 41, (1942).

The procedure prescribed by the National Labor Relations Act, 49 Stat. 449 (1935), 29 U.S.C. §§151-166 (1941) is exclusive. National Labor Relations Board v. Link Belt Co., 311 U.S. 584 (1940); National Licorice Co. v. National Labor Relations Board, 309 U.S. 350 (1940); National Labor Relations Board v. Falk Corp., 308 U.S. 453 (1939). These decisions are based on §10(a) of the National Labor Relations Act, 29 U.S.C. §160 (1941) which declares that the power of the Board "shall be exclusive, and shall not be affected by any

other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise." The legislative intent to give the National Labor Relations Board exclusive jurisdiction is apparent.

In Manning v. Feidelson, 175 Tenn. 576, 136 S.W.(2d) 510 (1940), a state court of equity was petitioned for initial relief before exhausting the remedies of National Labor Relations Board. The Court arrived at a decision similar to the principal case by analogy to cases involving jurisdiction of the Interstate Commerce Commission. See Interstate Commerce Act, 24 Stat. 379-387 (1887), 49 U.S.C. §11-18 (1941), especially §9. State courts are excluded from jurisdiction in these cases. 11 Am. Jur. 130.

A recent case involving jurisdiction of another administrative board, the Railway Labor Board, reveals a tendency to give complainant, in like circumstances, an election of either administrative or judicial relief. Moore v. Illinois Central Ry. Co., 312 U.S. 630 (1941); see Washington Terminal Co. v. Boswell, 124 F.(2d) 235 (App. D.C. 1941); Notes (1942) 27 Iowa L. Rev. 641, (1942) 55 Harv. L. Rev. 859, (1942), 51 Yale L. J. 666. However, the jurisdictional section of Railway Labor Act, 44 Stat. 577 (1926) as amended, 48 Stat. 1185 (1934), 45 U.S.C. §153(1) (1941), stipulated that disputes "shall be referred to the Adjustment Board." In 1934, the mandatory "shall" was amended to the permissive "may." The court's interpretation of the legislative intent was based on this amendment.