

CAL. JUR. 2d

260/2
30

8692634 外文书库

CALIFORNIA JURISPRUDENCE

SECOND EDITION

A COMPLETE AND MODERN
STATEMENT OF THE LAW
AND PRACTICE OF THE
STATE OF CALIFORNIA

Volume 30

LABOR §§ 71-162
TO
LIBEL AND SLANDER §§ 1-179



By the Editorial Staff of the Publisher

BANCROFT-WHITNEY COMPANY
San Francisco

1956



Copyright 1956
by
BANCROFT-WHITNEY COMPANY

TABLE OF ABBREVIATIONS

AC	Advance California Reports
ACA	Advance California Appellate Reports
Adm C	Administrative Code
Ag C	Agricultural Code
ALR	American Law Reports Annotated
ALR2d	American Law Reports Annotated, Second Series
Am Jur	American Jurisprudence
Am Jur Legal Forms	American Jurisprudence Legal Forms, Annotated
Anno	Annotation
Bank C	Banking Code
B & P C	Business and Professions Code
C	California Reports
C2d	California Reports, Second Series
CA	California Appellate Reports
CA2d	California Appellate Reports, Second Series
CC	Civil Code
CCP	Code of Civil Procedure
ch	Chapter
CLR	California Law Review
Cof	Coffey
Const Art I § 1	Article and section California Constitution
Corp C	Corporations Code
CU	California Unreported
Deering's Gen Laws	Deering's California General Laws
Ed C	Education Code
Elec C	Elections Code
F	Federal Reporter
F2d	Federal Reporter, Second Series
F & G C	Fish and Game Code
Fed Cas	Federal Cases
Fin C	Financial Code
FRD	Federal Rules Decisions
F Supp	Federal Supplement
Gov C	Government Code
H & N C	Harbors and Navigation Code
H & S C	Health and Safety Code
Hast L J	Hastings Law Journal
Ins C	Insurance Code
Lab C	Labor Code

L ed	Lawyers' Edition U.S. Supreme Court Reports
Mil & Vet C	Military and Veterans Code
Ops Atty Gen	Opinions of the Attorney General
p	Page
P	Pacific Reporter
P2d	Pacific Reporter, Second Series
Pen C	Penal Code
Pol C	Political Code
Prob C	Probate Code
Pub Res C	Public Resources Code
Pub U C	Public Utilities Code
Rev & Tax C	Revenue and Taxation Code
SCLR	Southern California Law Review
S Ct	Supreme Court Reporter
Stan LR	Stanford Law Review
St B J	State Bar Journal
Sts & H C	Streets and Highways Code
subd	Subdivision
UCLA LR	University of California at Los Angeles Law Review
Unempl Ins C	Unemployment Insurance Code
US	United States Reports
USC	United States Code
US Const	United States Constitution
Veh C	Vehicle Code
W & I C	Welfare and Institutions Code
Wat C	Water Code

TABLE OF PARALLEL REFERENCES

This table shows where the subject matter of the various sections in CALIFORNIA JURISPRUDENCE is treated in CALIFORNIA JURISPRUDENCE, 2d. The figures in parentheses are page numbers of CALIFORNIA JURISPRUDENCE. Transfers of subject matter to other articles are so indicated.

The reader should consult the indexes of CALIFORNIA JURISPRUDENCE, 2d, for detail and for new matter not appearing in CALIFORNIA JURISPRUDENCE.

LABOR

Table Continued from vol. 29
(TYS vol. 7, pp. 455-483)

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
1-18	Volume 29	34 (475)	107, 108
19 (467)	53, 54, 139	35 (476)	109, 110
20 (457)	51, 120-124	36 (477)	79-91, 112, 113
21-26	Volume 29	37 (478)	95-105, 138
27 (472)	84	38 (479)	111
28 (472)	85	39 (480)	115-117
29 (473)	85, 88, 126, 127	40 (481)	115, 117
30 (473)	88	41 (481)	70, 105, 145
31 (474)	71, 78	42	Volume 29
32 (475)	125	43 (482)	145, 153
33 (475)	74, 79, 95	44 (483)	145, 153

LANDLORD AND TENANT

(vol. 15, pp. 797-882)

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
1 (597)	1	10 (606)	11
2 (598)	2	11 (607)	8
3 (600)	5	12 (607)	14
4 (602)	18, 19, 20	13 (608)	16
5 (602)	3, 4	14 (609)	13
6 (603)	4	15 (611)	36
7 (603)	4	16 (612)	37
8 (604)	7	17 (613)	37
9 (605)	9	18 (614)	36

LANDLORD AND TENANT—Continued

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
19 (614)	26	62 (654)	90
20 (615)	27	63 (655)	94
21 (616)	29	64 (656)	89
22 (617)	30	65 (656)	96
23 (617)	26, 27	66 (657)	98
24 (618)	33	67 (658)	100
25 (619)	34	68 (659)	98
26 (620)	34	69 (660)	98
27 (621)	35	70 (661)	102
28 (622)	19	71 (663)	103
29 (622)	21	72 (663)	108
30 (623)	20	73 (664)	101
31 (625)	39	74 (665)	109
32 (627)	38, 40	75 (666)	111
33 (628)	22, 23	76 (667)	112
34 (629)	22	77 (668)	113
35 (630)	46	78 (668)	114
36 (631)	46	79 (670)	112
37 (632)	48	80 (671)	117
38 (633)	50	81 (672)	117
39 (634)	58	82 (674)	119
40 (635)	59	83 (674)	118
41 (636)	60	84 (675)	117
42 (636)	61	85 (676)	116
43 (637)	73	86 (677)	122
44 (638)	75, 77	87 (677)	123
45 (638)	79	88 (678)	122
46 (639)	76	89 (679)	124, 125
47 (639)	78	90 (680)	124, 125
48 (640)	41	91 (681)	126
49 (641)	42, 43	92 (682)	129
50 (642)	42	93 (683)	125, 126
51 (643)	43	94 (684)	125, 126
52 (643)	44	95 (685)	127
53 (644)	44	96 (686)	124, 125
54 (645)	85	97 (687)	132
55 (646)	88	98 (687)	131, 132
56 (648)	91	99 (688)	131, 132
57 (649)	92	100 (689)	131, 132
58 (650)	97	101 (690)	133
59 (651)	89	102 (691)	134
60 (652)	93	103 (692)	134, 136
61 (653)	95	104 (694)	53

LANDLORD AND TENANT—Continued

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
105 (695)	105	147 (736)	174, 175
106 (695)	65, 136	148 (736)	32, 173
107 (696)	137	149 (737)	174
108 (697)	67	150 (737)	159
109 (698)	139	151 (739)	159, 160
110 (699)	140	152 (740)	161
111 (700)	141, 142	153 (741)	164
112 (701)	143	154 (742)	83
113 (703)	144	155 (742)	159
114 (704)	146, 147	156 (743)	214
115 (705)	148	157 (744)	214
116 (706)	155	158 (744)	214
117 (707)	176	159 (745)	215
118 (708)	176	160 (747)	EXECUTORS AND ADMIN- ISTRATORS
119 (708)	176		
120 (709)	177	161 (747)	231
121 (710)	179	162 (748)	83
122 (711)	178	163 (748)	223
123 (711)	69	164 (749)	230
124 (712)	180	165 (750)	240
125 (714)	181	166 (751)	222
126 (715)	180	167 (752)	219
127 (716)	CROPS	168 (753)	224
128 (717)	187, 192, 197, 211	169 (754)	229
129 (718)	188	170 (755)	229
130 (719)	189	171 (757)	220
131 (719)	192	172 (758)	82
132 (721)	198	173 (759)	82
133 (723)	202	174 (760)	83
134 (724)	200	175 (761)	233
135 (724)	201	176 (762)	236, 237, 238
136 (725)	209, 210, 212	177 (763)	239
137 (726)	71, 204	178 (764)	241
138 (727)	CROPS	179 (764)	242
139 (728)	CROPS	180 (766)	244, 245
140 (729)	CROPS	181 (767)	243
141 (729)	71	182 (767)	58, 60, 245
142 (731)	206	183 (768)	249
143 (732)	206	184 (769)	259
144 (733)	207	185 (770)	251
145 (734)	170	186 (770)	121, 282
146 (735)	174	187 (771)	253

LANDLORD AND TENANT—Continued

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
188 (772)	261	231 (815)	303
189 (773)	115, 281	232 (816)	304
190 (773)	256	233 (816)	305
191 (774)	256, 257	234 (817)	307
192 (775)	260	235 (818)	312
193 (776)	291	236 (819)	310
194 (777)	262	237 (820)	309
195 (778)	261	238 (821)	309
196 (779)	276	239 (822)	310
197 (779)	278	240 (822)	311
198 (780)	277	241 (823)	313
199 (781)	277	242-244 (824)	317
200 (782)	280	245 (825)	322
201 (783)	280	246 (826)	323
202 (784)	278, 280	247 (826)	324
203 (785)	278	248 (827)	PLEADING
204 (786)	285	249 (828)	325
205 (787)	285	250 (829)	EVIDENCE
206 (788)	285	251 (829)	EVIDENCE
207 (789)	289	252 (830)	TRIAL
208 (791)	272	253 (831)	JUDGMENT; TRIAL
209 (792)	263	254 (832)	326, 327, 328
210 (793)	263	255 (833)	329
211 (794)	263	256 (834)	333
212 (795)	266, 267	257 (835)	336, 337
213 (796)	270	258 (837)	338
214 (797)	331, 332	259 (837)	339
215 (798)	334	260 (838)	342
216 (800)	268	261 (839)	341
217 (801)	246	262 (840)	340
218 (802)	249, 263	263 (840)	343
219 (803)	291	264 (841)	342
220 (804)	295	265 (841)	341
221 (806)	294	266 (842)	343
222 (807)	301	267 (842)	345
223 (808)	293, 296	268 (843)	345
224 (809)	299	269 (844)	EVIDENCE
225 (811)	280	270 (845)	EVIDENCE
226 (811)	278, 280	271 (846)	EVIDENCE
227 (812)	278	272 (846)	TRIAL
228 (812)	295	273 (847)	JUDGMENT; TRIAL
229 (813)	302		
230 (814)	300		

LANDLORD AND TENANT—Continued

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
274 (848)	APPEAL AND ERROR	293 (866)	375-379
275 (848)	346	294 (867)	377
276 (850)	348	295 (867)	375
277 (850)	352, 353	296 (869)	375
278 (851)	347	297 (870)	375
279 (852)	346	298 (871)	375
280 (854)	366	299 (871)	378
281 (855)	371	300 (872)	379
282 (856)	360	301 (873)	380
283 (857)	351	302 (873)	380
284 (859)	363	303 (874)	380
285 (859)	354	304 (875)	381
286 (860)	361	305 (875)	383
287 (861)	362	306 (876)	386
288 (861)	356	307 (877)	387
289 (862)	387	308 (878)	384
290 (863)	383, 388	309 (879)	381
291 (864)	365	310 (880)	390
292 (865)	374	311 (882)	390
		312 (882)	391

LAND SETTLEMENT

CAL JUR §§	CAL JUR 2d §§
(TYS vol. 7, p. 581)	§§ 1-4

LARCENY

(vol. 15, pp. 885-962)

See THEFT

**LAUNDRIES, DYERS, DRY CLEANERS, PRESSERS,
AND TAILORS**

CAL JUR §§	CAL JUR 2d §§
CAL JUR TYS	
CLEANING AND DYEING ESTAB- LISHMENTS	CAL JUR 2d
1 (454)	2, 3, 8
2 (455)	3, 8
3 (455)	12

LAW

(vol. 15, pp. 965-967)

See CONSTITUTIONAL LAW; STATUTES

LEGISLATURE

(vol. 15, pp. 996-982)

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
1 (969)	1	7 (977)	15
2 (970)	2	8 (978)	23
3 (971)	3	9 (979)	22
4 (973)	4, 7	10 (980)	19
5 (974)	5	11 (981)	20
6 (975)	17	12 (982)	26

LEVY AND SEIZURE

(vol. 15, pp. 985-1078)

See EXECUTIONS

LEWDNESS, INDECENCY, AND OBSCENITY

(vol. 16, pp. 1-18)

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
1 (2)	1	8 (9)	21-27, 29-32
2 (3)	2, 8	9 (11)	28
3 (4)	2, 8	10 (12)	33-40
4 (5)	3-6, 9-12	11 (14)	46
5 (6)	16	12 (15)	41, 42
6 (7)	16	13 (16)	43-45
7 (8)	17	14 (18)	45

LIBEL AND SLANDER

(vol. 16, pp. 24-182)

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
1 (24)	1	8 (30)	29, 62-68
2 (25)	2	9 (32)	15, 36, 48-51, 140-148
3 (26)	2	10-12 (32-35)	12, 13, 34, 69- 84
4 (27)	4, 43	13 (37)	40
5 (27)	8, 44	14 (38)	47
6 (28)	14, 126-132		
7 (29)	11, 52-61		

LIBEL AND SLANDER—Continued

CAL JUR §§	CAL JUR 2d §§	CAL JUR §§	CAL JUR 2d §§
15 (39)	46, 85-96	69, 70 (100, 101) ..	13, 35, 49, 74, 77, 95, 146,
16 (41)	59, 135		147, 155, 176, 189, 201, 204, 209, 257-259
17-30 (42-58)	58, 85-118, 137	71-83 (102-116) ..	31, 80-82, 90, 92, 95, 148, 190, 191, 195, 197, 205, 212, 218, 260-265
31 (59)	133-139	84-87 (117-120) ..	77-79, 99, 141-143, 147, 200, 204, 257-259
31-34 (60-62)	140-148	88, 89 (121, 122) ..	19-23, 38, 68, 83, 96, 108, 156, 185, 210, 252
35-44 (63-74)	149-179	90-92 (123-126) ..	20-22, 39, 84, 108, 156, 186, 213, 234
45 (75)	18-25, 139, 231	93 (126)	228-230, 235, 236
46 (76)	240	94-122 (127-157) .	47, 119-125, 134, 180-230
47-50 (77-80)	266-273	123-128 (158-162)	274-289
51-60 (81-92)	3, 50, 61, 67, 76, 95, 203, 237-252	129-144 (163-181)	7-39
61 (93)	219, 253, 254, 256		
62 (94)	145		
63 (94)	153		
64, 65 (95, 96)	51, 77-79, 95, 146, 147, 154, 155, 176, 204, 209, 257, 258, 263		
66-68 (97-99)	257, 259		

TITLES IN THIS VOLUME

(Italics indicate cross-reference titles)

	PAGE
LABOR (§§ 71-162)	1
<i>Laboratory Technicians</i>	113
<i>Laches</i>	113
<i>Lading</i>	113
<i>Lakes</i>	113
<i>Land</i>	113
<i>Land Grants</i>	113
LANDLORD AND TENANT	114
<i>Land Office</i>	526
LAND SETTLEMENT	527
<i>Land Tenures</i>	529
<i>Larceny</i>	529
<i>Lascivious Conduct</i>	529
<i>Last Clear Chance</i>	529
<i>Lateral Support</i>	529
LAUNDRIES, DYERS, DRY CLEANERS, PRESSERS, AND TAILORS	530
<i>Law</i>	548
<i>Lawful Money</i>	548
<i>Law Merchant</i>	549
<i>Law of the Case</i>	549
<i>Law of the Road</i>	549
<i>Lawyers</i>	549
<i>Leading Questions</i>	549
<i>Leases</i>	549
<i>Legacy</i>	549
<i>Legal Holidays</i>	549
<i>Legal Interest</i>	549
<i>Legal Notices</i>	550
<i>Legal Tender</i>	550
<i>Legislation</i>	550

	PAGE
LEGISLATURE	551
<i>Legitimacy</i>	591
<i>Lessor and Lessee</i>	592
<i>Letters</i>	592
<i>Letters of Administration</i>	592
<i>Letters of Credit</i>	592
<i>Letters of Guardianship</i>	592
<i>Letters Rogatory</i>	592
<i>Letters Testamentary</i>	592
<i>Levees</i>	592
<i>Levy and Seizure</i>	592
LEWDNESS, INDECENCY, AND OBSCENITY	593
<i>Liability Insurance</i>	652
LIBEL AND SLANDER (§§ 1-179)	653

LABOR

(Continued)

- I. IN GENERAL** (In Vol. 29).
- II. REGULATION OF EMPLOYMENT AND WORKING CONDITIONS** (In Vol. 29).
- III. EMPLOYMENT AGENCIES** (In Vol. 29).
- IV. COMBINATIONS OF EMPLOYERS** (In Vol. 29).
- V. LABOR ORGANIZATIONS** (In Vol. 29).
- VI. COLLECTIVE BARGAINING** (In Vol. 29).
- VII. COLLECTIVE BARGAINING AGREEMENTS** (In Vol. 29).
- VIII. INDUSTRIAL DISPUTES AND CONCERTED ACTIVITIES**
(§§ 71-128).
 - A. GENERALLY** (§§ 71-73).
 - B. RIGHT TO ENGAGE IN CONCERTED ACTIVITIES** (§§ 74-91).
 - 1. Generally (§§ 74-78).
 - 2. Unlawful Purpose Doctrine (§§ 79-91).
 - C. PERSONS ON WHOM PRESSURE EXERTED** (§§ 92-94).
 - D. MEANS OF ENFORCING DEMANDS** (§§ 95-119).
 - 1. Lawfulness (§§ 95-105).
 - 2. Particular Means (§§ 106-119).
 - E. JURISDICTIONAL DISPUTES** (§§ 120-124).
 - F. EMPLOYER PRACTICES** (§§ 125-128).
- IX. MEDIATION, CONCILIATION, AND ARBITRATION** (§§ 129-135).
- X. CIVIL LIABILITY** (§§ 136-141).
- XI. INJUNCTIONS** (§§ 142-157).
- XII. CRIMINAL PROSECUTIONS** (§§ 158-162).

-
- VIII. INDUSTRIAL DISPUTES AND CONCERTED ACTIVITIES.**
 - A. GENERALLY.**
 - § 71. In General.
 - § 72. Effect of Combination.
 - § 73. Participation of Nonemployees.

VIII.—Continued**B. RIGHT TO ENGAGE IN CONCERTED ACTIVITIES.****1. Generally.**

- § 74. In General.
- § 75. Freedom of Speech.
- § 76. Amenability to Regulation.
- § 77. Requirement of Justification.
- § 78. — Existence of "Labor Dispute."

2. Unlawful Purpose Doctrine.

- § 79. In General.
- § 80. Motive and Malice.
- § 81. Tests of Unlawfulness of Purpose — Violation of Statute.
- § 82. — Violation of Judicially Declared Public Policy.
- § 83. — Lack of Reasonable Relation to Legitimate Labor Interest.
- § 84. Lawfulness of Particular Purposes.
- § 85. — Unionization.
- § 86. — Inclusion in Union, Bargaining Unit, or Labor Contract of Persons Not in Employee Status.
- § 87. — Inclusion of Supervisory Workers in Bargaining Unit.
- § 88. — Union Security — Union Shop and Closed Shop.
- § 89. — — Closed Shop and Closed or Partially Closed Union.
- § 90. — Discrimination Because of Race or Color.
- § 91. — Opposition to Performance of Services by Persons Not in Employee Status.

C. PERSONS ON WHOM PRESSURE EXERTED.

- § 92. In General; Nonunion Workers.
- § 93. Employer-Workers; Independent Contractors.
- § 94. Third Persons.

D. MEANS OF ENFORCING DEMANDS.**1. Lawfulness.**

- § 95. In General.
- § 96. Coercion and Compulsion.
- § 97. — Union Rules and Penalties.
- § 98. Actual Force.
- § 99. Threats; Warnings; Physical Intimidation.
- § 100. Numbers.
- § 101. Peaceful Conduct in Context of Past Violence.
- § 102. Annoyance; Noise; Disturbance.
- § 103. Obstructing Passage.

VIII. D. 1.—Continued

§ 104. Trespass on Employer's Property.

§ 105. Inducing Breach of Contract.

2. Particular Means.

§ 106. In General; Publicity.

§ 107. Strikes.

§ 108. — Status of Strikers.

§ 109. Picketing.

§ 110. — Relation to Free Speech.

§ 111. — Regulation by Statute or Ordinance.

§ 112. — Truthfulness of Representations.

§ 113. — Designation as "Unfair," or the Like.

§ 114. Hawking or Displaying Labor Newspaper at Scene of Dispute.

§ 115. Boycotts.

§ 116. — Secondary Boycotts.

§ 117. — Refusal To Handle Goods.

§ 118. Unfair Lists.

§ 119. Refusal To Work With Certain Persons or Groups.

E. JURISDICTIONAL DISPUTES.

§ 120. In General.

§ 121. Jurisdictional Strike Act.

§ 122. Entry of Rival Union Into Dispute Originating Between Employer and Union.

§ 123. Dispute With Union Allegedly Dominated by Employer.

§ 124. Relief.

F. EMPLOYER PRACTICES.

§ 125. In General.

§ 126. "Yellow Dog" Contracts.

§ 127. Domination of Labor Organization.

§ 128. — Proof of Employer Domination.

IX. MEDIATION, CONCILIATION, AND ARBITRATION.

§ 129. In General.

§ 130. Arbitration Under Collective Bargaining Agreement.

§ 131. Arbitration as Method of Bargaining.

§ 132. Enforcement of Agreement To Arbitrate.

§ 133. Arbitration Proceedings and Award.

§ 134. Finality of Award.

§ 135. Enforcement of Award.

X. CIVIL LIABILITY.

§ 136. In General; Liability of Unions.

§ 137. — For Acts of Officers and Agents.