

**NEW JERSEY ZINC CO. V. LOCAL 890 OF INT'L UNION OF MINE WORKERS,
1953-NMSC-088, 57 N.M. 626, 261 P.2d 654 (S. Ct. 1953)**

**The NEW JERSEY ZINC COMPANY, a corporation,
Plaintiff-Appellee,**

vs.

**LOCAL 890 OF INTERNATIONAL UNION OF MINE, MILL AND SMELTER
WORKERS, Its Officers, Agents and Members, and
International Union of Mine, Mill and Smelter Workers, Its
Officers, Agents and Employees, and Clinton E. Jencks,
Cipriano Montoya, Ernest Velasquez, Vicente Becerra, Pablo
Montoya, Fred Barreras, Elvira Molano, Henrietta Williams,
Ida Montoya, and Daria Chavez, Defendants-Appellants**

No. 5653

SUPREME COURT OF NEW MEXICO

1953-NMSC-088, 57 N.M. 626, 261 P.2d 654

September 25, 1953

Appeal from District Court, Grant County; A. W. Marshall, District Judge.

COUNSEL

Edison C. Serna, Silver City, Hannett & Hannett, W. S. Lindamood, Albuquerque, for appellants.

Garland, Sanders & Cooney, Las Cruces, for appellee.

JUDGES

Seymour, Justice. Sadler, C. J., and McGhee, Compton and Lujan, JJ., concur.

AUTHOR: SEYMOUR

OPINION

{*626} {1} This appeal differs from the appeal in the case of New Jersey Zinc Co. v. Local 890 of International Union, etc., 57 N.M. 617, 261 P.2d 648, in no substantial particular. This Court's opinion in the latter case was this day filed. The contempt decree here involved, differing only in the allegedly contemptuous acts, in the amount of fines, and in the individuals involved, and the issues of law being identical and being decided in this earlier opinion, the contempt decree of March 10, 1952, the subject of this

appeal, is vacated and set aside without prejudice, however, to the court's right to act on any criminal contempt which may have been committed, and without prejudice to appellee's right to proceed against the appellants in a court of competent jurisdiction for damages allegedly sustained by appellee as a result of appellants' actions.

{2} It is so ordered.