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The Labor Injunction, by Frankfurter and Green (1930)

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appoint one or more experts, that the court may fix the compensation in criminal cases to be paid by the county, in civil cases to be borne by the defeated party; nothing in the act prevents either party from getting additional experts if he is dissatisfied by the experts appointed by the court, and either party has the right to examine and cross-examine the expert appointed by the court. In 1929 a section was added to the penal code of California, specifically providing for the appointment by the court of alienists in cases where the defendant pleads not guilty by reason of insanity.

Mr. Mueller's book, which can be read in an hour and which interestingly accumulates a large amount of material, both serious and humorous, upon the subject of expert testimony, should have a substantial influence in procuring legislation in other states similar to that now enacted in the state of California. It is a book that can be thoroughly recommended to members of judicial councils and of judiciary committees of bar associations and legislatures.

ALFRED J. SCHWEPPE.

THE LABOR INJUNCTION. By Frankfurter and Green. New York: The Macmillan Co., 1930, pp. 343.

In this volume the authors have undertaken, with more than ordinary success, an analysis of one of the most controversial and involved problems in the present-day law. Confining themselves to the labor injunction cases emanating from the Federal, New York, and Massachusetts courts (which includes the great majority of cases dealing with the subject) they have interestingly traced the historical development of the labor injunction, described its technique and criticized its use. This much they have done and more. Indeed, one cannot help but feel that the real purpose of the authors transcends such familiar stuff as description and academic criticism—that the totality of its parts is intended as a complete indictment of the political attitude that allows of the injunction as a legal adjustment in capital-labor struggles for supremacy. Mechanically the work is nearly perfect. In the first chapter the substantive law of capital-labor controversies is built up against a chronological background of cases, beginning with the earliest English authorities and including practically all of the decisions of the three chosen jurisdictions. Interwoven with this there are specific references to the injunction and the part it played in the development of the labor law. Chapter ii deals with the procedural aspects of the restraining order—the form and content of the pleadings and the method and kind of proof upon which the orders are issued. Chapter iii is a detailed discussion of the form, content, context, and interpretation of the restraining orders; the authors inquire who is bound to do or refrain from doing what, and why? Attention is directed in the fourth chapter to both general and special legislation affecting the range and validity of labor injunctions, and in the last chapter the authors offer a panacea for the alleged shortcomings of the present system in the form of a statute, not all the details of which are agreed upon, but which in general follows the theory of Senator Shipstead's Senate Bill 1482, introduced in December, 1927, by the provisions of which the powers of courts of equity to interfere by injunctions in labor controversies are radically diminished. In the appendices are included a valuable tabulation of all the reported federal labor injunction cases and many of the New York cases, indicating the nature of the proceeding, its history and culmination. There also is the context of several typical restraining orders, particularly those in the *Debbs* case and against the Railroad Shopmen and United Mine Workers.

Much could be said about a book such as this one. In fact, one might almost write a volume in expressing personal opinions upon the matters discussed in the treatise, but that is not the function of the reviewer. It is sufficient to point out that the theme of the book is quite evidently partisan in view of the tendency to magnify the evils of the labor injunction, while entirely omitting recognition of its possible benefits. No one can deny the presence of serious defects in the present system, but it may

fairly be doubted whether or not a satisfactory method of legal adjustment can be formulated for such situations, and particularly whether the one which is proposed by the authors will not result in robbing Peter to pay Paul. Thus, while the book is excellently written and is to be regarded as a marked contribution to the materials dealing with labor law litigation, it is at least open to the objection that the reader is not entirely convinced that the injunction has had a fair day in court. However, it expertly presents a seriously considered point of view and can be recommended as well worth while the study of all who have an interest in the subject.

F. L. M. and R. H. N.

COSTIGAN'S CASES ON WILLS, 2nd Ed. St. Paul: West Publishing Company, pp. xxi, 888.

The first edition of this work, published in 1910, was an excellent selection of illustrative cases, and was used by the writer many years with great satisfaction. This second edition, however, is a marked improvement on the first, presenting many recent opinions and adding a number of valuable cases on the subjects of interpretation and construction. While considerable space in the first edition was devoted to descent and administration, less is given in the present collection, for the excellent reason that individual "teachers are inclined to use local material—both statutory and cases—not possible of insertion in a general casebook."

An excellent and somewhat prominent feature is found in the many "references to valuable articles and other material in the law reviews, as well as to various other monographic notes. "

The material presented covers too many pages to be entirely used in a three-hour one-quarter course or a two-hour one-semester course, thus giving the instructor an opportunity to select the cases for the daily assignments.

The growing tendency of law schools to include probate practice courts in the curriculum, and the well nigh universal practice of laying emphasis upon the local practice acts, make it highly desirable to use local material where available. Professor Costigan, recognizing this fact, has, apparently, made an effort to present cases from a wide range of states.

This second edition contains 888 pages, of which all but about 200 are devoted to wills proper, their interpretation and construction, decrees of distribution, payment of legacies, etc.

The publication is well bound in buckram and printed in clear type, well spaced, on thin paper, resulting in an easily handled book, in marked contrast to the unwieldy, cumbersome volumes of ten years ago.

IVAN W. GOODNER.

FOR THE DEFENCE: THE LIFE OF SIR EDWARD MARSHALL HALL. By Edward Marjoribanks. New York: The Macmillan Co., 1929, pp. xiv, 471.

For some thirty years Marshall Hall was the world's leading criminal's advocate. As an addition to the stock of legal biographies this work is highly welcome.

He was born in 1858 of a middle-class family of professional folk, and died in 1927. As a boy of fourteen he saw something of the trial of Christiana Edmunds and his life's work was determined. From Rugby he went to Cambridge and then to the bar.

The fourth chapter tells us of his first marriage, a tragedy that would have destroyed any weaker man at once. After this he forgot happiness in his work. His life was an alternation of failures and successes. Like many another great lawyer he failed to shine in parliament. His collisions with the bench, after the fashion of Erskine, threw off many sparks but did no lasting damage.

The sixth chapter tells of the defence of Bennett (1901). Hopeless as the case was, he rose to his full stature. It was excellent tactics on his part to concentrate on the question of Mrs. Bennett's chain, but if the jury had allowed itself to be persuaded that this was a crucial point there