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### Book Reviews

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"I have been a farmer and merchant in Franklin county, accustomed to notes and papers, did business with banks and stores. Have been a director in one bank since its organization. I knew what a note was, and have learned a lot about notes since. I did not think I was going to get something for nothing. It was pictured to us to be pretty, and that man had the gift of gab, and a lot of times a man can overpower you. If the Christian religion had five or six men like that going around preaching the gospel, they could soon christianize the whole world."

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## BOOK REVIEWS

*The Government and Labor.* Elington and Coombs. A. W. Shaw Co. 1926.

"The Government and Labor" is a case study of the legal aspects of American labor problems. The authors have added little in the way of textual material. Their task has been to select the leading cases, statutes, and administrative reports and to put them in accessible form. They have presented labor law from every angle: the legal status of labor unions; the legality of their methods; legislation for safety, health, hours, wages, unemployment, compensation; and social insurance in its various forms.

The arrangement of the book is particularly worth a comment. For instance should one like to refer to the efforts of the Federal Government to control the employment of children he will find a section on this subject. The child labor act of 1916 and the case of *Hammer v. Dagenhart*,<sup>1</sup> which declared it unconstitutional, are found together. Next comes the 1919 statute placing a tax on the employment of child labor followed by the case of *Bailey v. Drexel Furniture Co.*,<sup>2</sup> the ruling of the Supreme Court on its constitutionality. The proposed child labor amendment is placed at the end of the section. This method of grouping statutes, cases and reports together in their logical order is followed throughout the book and is a boon to the student or the busy lawyer.

As a formal study, labor law is made up of a multitude of decisions, statutes and reports representing the attitude of government officials for more than a century. But the pronouncements of judges

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<sup>1</sup> *Hammer v. Dagenhart*, 246 U. S. 251. (Holding the 1916 Federal Child Labor Act unconstitutional).

<sup>2</sup> *Bailey v. Drexel Furniture Co.*, 259 U. S. 20. (Holding the 1919 Federal Child Labor Act unconstitutional).

and legislators do not more than reflect their interests. We should not expect, then, to find a uniform body of labor law, for conflicting economic interests give rise to the labor problem and make it a legal one. We should expect to find in the law a reflection of the conflict of interests which is at the basis of modern employer-employee relationships. Obviously a case book in this involved field runs the risk of confusing rather than clarifying the students' ideas. But "The Government and Labor" by its judicious selection and logical arrangement of material makes it possible for the student to build up an adequate conception of the fundamentals involved in labor law. The book is so arranged that the student is able to trace the course of our industrial development in terms of statutes and cases. In the light of what judges and legislators have said he sees that in remarkably few years the structure of society in America has been completely altered. The simple handicraft methods of the days before the civil war have been supplanted by a complicated industrial system with a large part of our population dependent upon its caprices. On one hand the laboring man has shared in the social re-adjustment to his benefit but on the other hand, in certain vital respects he has been placed at a disadvantage. He is forced to compete with his employer for the necessities of life, yet there is no semblance of equality between them. The worker is an individual, the employer through incorporation has the strength of many individuals.

It was apparent from the beginning of the new order that the worker stood in need of protection and gradually public opinion harkened to his case. Protection was accorded by two methods. The workers themselves combined in trade unions to enforce their demands and the state regulated conditions of employment by legislative enactments. The student will find "The Government and Labor" divided roughly into two parts—the first dealing with the legal questions that arose out of labor combinations, and the second with protective social legislation.

Both methods of protection presupposed a re-adjustment of established property rights. Collective action and legislation for the benefit of labor meant a restriction upon the employer's freedom to do as he saw fit with his property. Employers upon whom the restrictions rested sought to protect their rights in the courts.

As to trade unions, early cases were based on the illegality at common law of labor combinations, but as unions gradually have established their right to exist before the law, stress is now laid upon the illegality of their methods. "The Government and Labor" shows the development of the law from *The People v. Fisher*<sup>3</sup> through *Commonwealth v. Hunt*<sup>4</sup> to such cases as *Truax v. Corrigan*<sup>5</sup> and *American Steel Foundries v. Tri-City Trades Council*.<sup>6</sup>

As to social legislation, statutes regulating working conditions have been repeatedly questioned on the ground of constitutionality. The leading statutes and cases on this phase of labor law are presented in the book. In addition are included the reports of a number of state commissions charged with the administration of social legislation.

No better testimony of the adequacy of the book can be given than the statement of Prof. John R. Commons in the foreword that "it is a welcome aid to teachers of the subject of labor legislation that the compilers of this book should have undertaken and so excellently completed this collection of the more important statutes, judicial decisions, administrative orders and reports bearing upon the relations between the government and labor in the United States."

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*Great Sayings by Great Lawyers.* G. J. Clark. Kansas City, Mo. Vernon Law Book Co. 1926. Pp. xvi, 801.

This book is evidently the fruit of many years of sedulous collection in a scrap-book or commonplace book by a lawyer of wide reading and catholic taste. While the chaff is not all winowed from the grain, there is a great store here of interesting legal miscellanea, thumb-nail biographies of judges and lawyers, anecdotes witty and not-so-witty, short and striking excerpts from legal orations, and

<sup>3</sup> *The People v. Fisher*, 14 Wend 9. (Combination of workers to raise wages held to be a conspiracy).

<sup>4</sup> *Commonwealth v. Hunt*, 4 Met (45 Mass) 111 (Not a conspiracy for workers to combine and agree not to work for any employer who should employ any worker not a member of the combination).

<sup>5</sup> *Truax v. Corrigan*, 257 U. S. 312. (State law regulating issuance of injunctions in labor disputes held unconstitutional).

<sup>6</sup> *American Steel Foundries v. Tri-City Central Trades Council*, 257 U. S. 184. (Picketing of employer's plant by union declared unlawful).

epigrams with a legal cast. Mr. Clark's selection reveals him as one more interested in the factual than the fanciful, and his gleanings have been greater from the Victorian age, than from others that might have been more enlivening. Of the rapier-like wit of Lord Darling there is no specimen, practically none of the flashing word-play of Mr. Justice Holmes, and the quaint and mannered humor of Chief Justice Lamm is ignored. In fact, the author has made no attempt to mine the jewels (which shine the brighter for their rarity and their drab background) which appear in the opinions of courts. On the whole, the book is well worth having. It will furnish, by the aid of its excellent index, the starting point for jury or Kiwanis speeches on such widely separated subjects as Donkeys, Sins, the Tariff, and Inventions. So it will often furnish the illustration or pithy phrase needed to lend interest to a point in a brief. Even for discursive and occasional reading for enjoyment it is a pleasant volume to have at hand.

CHARLES T. McCORMICK.

**PAGES 193-196 ARE  
INTENTIONAL BLANKS**

