

lem is not obviously unreasonable, one will not expect the doctrines of delegation of powers¹⁷ and of procedural due process to offer any serious obstacles to institutional longevity.

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Rival Unionism in the United States. By Walter Galenson. New York: American Council of Public Affairs, 1940. Pp. 317. \$3.25.

The courts have frequently been confronted with the impact of a new social or economic force upon a structure of law which has been erected with materials of another day. The customary reaction of courts has been to attempt to interpret such new forces in the light of legal principles which had already been developed and accepted. This process of envelopment of new forces with existing legal principles suffices only when the accepted legal principles are based upon considerations which continue to be sound in forming a basis for the adjustment of new social or economic relationships.

The development of the law in the field of labor relationships is no exception. The focal point at which the modern concept of labor relationships impinged upon the existing structure of law was inevitably to be found in a struggle between rival unions, whereby the interests of employers and the public were directly affected.

It can hardly be said that the American courts have reached a unanimity of opinion concerning the relative rights and duties of participants in a struggle between organized employees and their employer. Even more confusion still exists in the determination of such rights and duties when the conflict arises between a labor union and an employer who employs few or no persons belonging to the labor union. But in both instances the courts are concerned solely with the adjustment of the interests of labor organizations and the employers with whom the particular dispute exists.

A natural development therefrom is the acute situation where the employer does not contest the rights of organized labor, but where two bona fide labor unions are engaged in a struggle between themselves for the right to represent the workers of a particular employer.

The author has shown a full appreciation of this problem. After a brief summary of the history and causes of rival unionism, the author describes the customary weapons used by rival unions in their attempt to gain their objects. There then follows a comprehensive and almost amusing description of the methods used by the courts in attempting to apply ancient formulae to this problem. Once again, some courts have brought forth the concept that an otherwise lawful act may become unlawful when committed by more than one person. By the use of terms of "conspiracy," many courts have satisfied themselves that certain conduct of labor unions was unlawful, even though the same act by an individual would be unobjectionable.

The courts have also attempted to weigh the rights of the participants by other accepted standards. They have sought to determine the existence or non-existence of malice. They have sought to accept the legality of the object, providing the means used is legal. They have attempted in some respects to apply rules relating to the inducement of breach of contract. Probably the most successful instrument now in use has

¹⁷ See *Sunshine Anthracite Co. v. Adkins*, 310 U.S. 381 (1940).

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been the principle that concerted acts of labor organizations will not be interfered with by the court even though substantial injury to other persons may result from those acts, provided that the acts are justified as a means of accomplishing the proper objects of a labor organization.

The author has made a remarkably extensive study of legislation and judicial decisions throughout the United States upon this subject. He should not be criticized for the emphasis which he has placed upon the decisions of the New York courts. It is obvious that labor conflicts and the issues arising from labor relationships would develop at a greater rate of speed in a highly industrial and populous section of the nation. The courts of New York had almost completed a cycle of judicial reasoning upon the subject before the courts of other states were even called upon to consider the first principles of the problem.

It is evident to the author that this problem will not be disposed of successfully by courts alone. The accepted structure of the judiciary is such that it will not have the facilities with which to enter into a rival union controversy with speed and thoroughness. While it is conceivable that courts might be remolded to accomplish the necessary objects, it is more likely that the people of any community will prefer to retain the basic and accepted structure of courts. On the other hand, they will recognize the need for some fair and efficient tribunal to determine the problem without needless loss to the community.

The author's description of the operations of labor boards, including the National Labor Relations Board, is extremely fair. He has not permitted himself to fall under the influence of a substantial prejudice against administrative boards. He has recognized their proper place in accomplishing an object which present American courts cannot attain.

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A *Trustee's Handbook*. By Augustus Peabody Loring. Revised and enlarged by Mayo A. Shattuck. Boston: Little, Brown & Co., 1940. Pp. lxxi, 425. \$5.00.

Mr. Loring, a lawyer and professional trustee of high repute in Boston, issued the first edition of his *Trustee's Handbook* in 1898. Later editions, prepared by the same author, appeared in 1900, 1908, and 1928. Mr. Shattuck, a lawyer and teacher of law in Boston, and editor of the Massachusetts annotations to the Restatement of Trusts, edits the fifth edition of this well-known work, which is substantially fifty per cent larger than the fourth edition.

Mr. Loring's aim in publishing the original volume seems to have been to bring to individual trustees and to beneficiaries the advantages of his experience as a trustee and lawyer. In the preface to the fourth edition he states that the book is "meant to be a handbook for those engaged in the practical administration of trust estates, or for those beneficially interested in them, and not a digest of the law." Corporate trusteeship had not developed to large proportions in 1898. There was a dearth of simple, concise treatment of trust law. Lewin and Perry were, and are, hard reading, rather verbose, and encumbered with a mass of English case law, much of it ancient and not adapted to American conditions. Mr. Loring produced a tiny volume which was clear, readable, and footnoted with all the more important Massachusetts cases and statutes and with

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