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EDITORIAL NOTES

ISSUANCE OF PROCESS AS CONDITION PRECEDENT TO GRANTING PRELIMINARY INJUNCTION

There is a difference of opinion in this state as to whether a preliminary injunction may properly be granted before the issuance of process. The controversy does not arise out of any question as to giving notice to the defendant. Those who insist that process must issue first do not contend that it must be served before the injunction is granted. Even if it were served, it would give no notice to the defendant that the plaintiff intended to apply for a preliminary injunction. If such notice is required by the court, it is given through the medium of the notice prescribed by the statute, which is independent of and in addition to service of process. Insistence that process must issue before the injunction