

June 1930

## Automobile Insurance

Harold C. Havighurst  
*West Virginia University College of Law*

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>



Part of the [Insurance Law Commons](#)

---

### Recommended Citation

Harold C. Havighurst, *Automobile Insurance*, 36 W. Va. L. Rev. (1930).  
Available at: <https://researchrepository.wvu.edu/wvlr/vol36/iss4/18>

This Book Review is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact [ian.harmon@mail.wvu.edu](mailto:ian.harmon@mail.wvu.edu).

*AUTOMOBILE INSURANCE* BY Charles A. Sunderlin. Albany: Matthew Bender & Company. 1929, pp. xxxiii, 614.

The subject of this book is well chosen. The number of cases on automobile insurance is very large. Over eight hundred cases are listed in the table of cases. Needless to say most of them are very recent. Furthermore, there are many problems in automobile insurance law that are presented in no other insurance cases. Although the policy forms are not entirely standardized, there are many clauses that appear in most of the policies. One suggestion of the author that legislation standardizing insurance forms should be enacted is supported by a list of reasons, most of which seem sound.

A brief reference is made to compulsory automobile insurance legislation and other types of acts depriving car owners of privileges if judgments against them are unpaid. There is no discussion of the desirability of such legislation.

Much of the book is devoted to problems that are in no way peculiar to automobile insurance, such as insurable interests, agency and brokerage, representation and warranties, measure of damages and arbitration. Yet there is an advantage in having cases on these subjects with the fact background usually found in automobile insurance cases. For example there are cases involving automobile dealers as agents. There are damage problems that arise only in the valuation of automobiles. The nature of representations made will be found to be in many cases peculiar to this particular type of insurance.

The part of the book that relates to the particular types of automobile insurance, collision, liability, indemnity, etc., presents problems that are quite new. For the solution of most of them little assistance will be obtained from other insurance cases.

Unfortunately the author does not go very deeply into the problems. No attempt at criticism is made. On the question of the right of an injured claimant to recover against the insurer we are told that this depends upon the wording of the policy and the statutory provisions, if any. For this three West Virginia cases with varying holdings are cited. There is only a slight elaboration of this, in which liability and indemnity policies are distinguished.

Cases are sometimes cited rather indiscriminately without recognition of any conflict in the holdings, as, for instance, the cases (pp. 354-355) on the question of impact with land as "collision with an object."

This is a valuable collection of cases. It should be useful in

finding precedents. It seems to be decidedly superior to the ordinary digest both in comprehensiveness and accuracy of citation.

—HAROLD C. HAVIGHURST.

---

**THE LABOR INJUNCTION.** By Felix Frankfurter and Nathan Greene. New York: The Macmillan Company. 1930. 343 pages.

This a very excellent and thorough work. It goes further than a mere discussion of doctrine and classification of cases and covers not only the legal but the economic aspects of injunctions and labor disputes. The book is divided into five chapters, the first being the "Allowable Area of Economic Conflict", which covers the history of the use of the injunction. The second chapter, entitled "Procedure and Proof Underlying Labor Injunctions", takes up in detail the procedure of the bill of complaint and the method of obtaining injunctions by affidavits. The third chapter, entitled "The Scope of Labor Injunctions and Their Enforcement", discusses who may be bound by injunction and the growth of the injunction from a simple order to a complex document. The vague language used in injunctions by the Federal Court comes in for a vigorous criticism. In discussing the enforcement of the injunction the authors make a very effective summary of the difficulties involved and take the position that the courts by their exercise of equitable powers in labor disputes have, to a certain extent, weakened their prestige.

The fourth chapter concerns legislation affecting labor injunctions. The authors conclude that the legislative branch of the government has been singularly ineffective in dealing with injunctions. The only notable change so far as our Federal Courts and the few states are concerned is the protection of jury trials in contempt proceedings which involve accusations of crime.

In the last chapter the authors discuss a new bill, No. 1482, which has been pending before Congress for some time and which was introduced instead of the former bill drawn up by Senator Shipstead. It is the author's opinion that the main issue underlying this bill should be translated into law and to voice the hope that the bar of the country are not opposed in its legislation.

The book is a vigorous criticism of labor injunctions in America. It is the kind of a book which will excite enthusiastic appreciation in some quarters and bitter criticism in others. It will be called partisan and unfair by those who disagree with Mr. Frankfurter's fundamental social philosophy. Yet the fact that it is subject to these criticisms constitutes the book's outstanding merit. The problem of labor injunctions represents a conflict of social interests.