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Review of The Administration of Workmen's Compensation by Ray Andrews Brown

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put an end to it and who brought such charges against British policy that Lord Aberdeen himself felt called upon to make a reply.

On the other hand, perhaps the most original contribution which the monograph makes is derived from the author's use of a source hitherto not sufficiently exploited, the records of the United States Navy Department, which tell of the activities of the American vessels and reveal the difficulties which the conflict of theory evoked in practice. Upon the whole controversy perhaps the best comment is found in a few words of Lewis Einstein: "In invoking the freedom of the seas we were really attempting to free our trade from offensive measures carried out in the name of virtue. Each side used other causes to cover its real desires, and our success was one more step toward the assertion of the equality of American rights on the high seas."

St. George L. Sioussat.

University of Pennsylvania.

THE ADMINISTRATION OF WORKMEN'S COMPENSATION. By Ray Andrews Brown. University of Wisconsin Press, Madison, 1933. Pp. 88.

Wisconsin was probably the first state that enacted and put into operation a constitutional Workmen's Compensation Act in the United States. The Act¹ went into effect May 3, 1911. Under it the Industrial Accident Board was organized May 10, 1911. This Board was superseded by the Industrial Commission on July 1, 1911. The constitutionality of the Act was sustained on November 1, 1911, in the case of *Borgnis v. The Falk Company*.² The first Industrial Commission, manned by able and forward-looking men, began to chart in seas unknown to American court procedure and to American industry. During the past twenty years the Commission has developed a technique in practice that not only administrative boards but courts and lawyers as well may study with profit.

This little book, of less than 100 pages, is the result of a study in Social Science and History for the University of Wisconsin. In Chapter I Professor Brown says: "The student of administrative procedure must advance from the study of books to the study of legal institutions in actual operation." Accordingly, Professor Brown investigated the records of the Commission, examined its decisions and the decisions of cases appealed from the Commission; made a study of the personnel and qualifications of the commissioners and examiners; interviewed them and others familiar with the administration of the Act; attended hearings by examiners and commissioners; and thus obtained first hand information about the actual procedure in the administration of the Act.

In Chapter I the author discusses in general the subjects of justice through courts and justice through executive commissions, and in Chapter II gives the legislative and judicial foundation for the procedure by the Commission. In Chapter III are discussed the personnel and the organization of the Compensation Department; in Chapter IV, the activities prior to the formal hearing, such as reports of accidents, correspondence with parties, and investigations by the Commission's representatives; and in Chapter V are given the forms of the pleadings. Chapter VI contains 28 pages and is the longest chapter in the book. Here Professor Brown gives a picture of the actual hearings and procedure before the examiners or commissioners, and in Chapter VII he explains how the Commission arrives at a decision in a case. In Chapter VIII, Professor Brown gives his conclusions. He calls attention to some practices by the examiners and commissioners which if employed by less able and less experienced administrators might lead to injustice. He gives some constructive suggestions for improvement.

¹ Laws 1911, c. 50.

² 147 Wis. 327, 133 N. W. 209 (1911).

His suggestion for a public legal adviser to the many applicants for compensation who are not represented by attorneys, would correct some of the legally doubtful practices, assure greater respect in the Commission's decisions and lessen criticism. Although the book is local it has a general interest. In these times, when both federal and state governments are extending to administrative boards and commissions, functions and fields traditionally belonging to the legislative, executive, and judicial branches of our government, this little volume will prove an invaluable aid to those entrusted with administrative procedure and those affected by it. It is a valuable study and may well serve as a guide to administrative boards not only in the compensation field but in other social fields.

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CASES ON THE LAW OF PROPERTY—INTRODUCTION TO THE LAW OF REAL PROPERTY—RIGHTS IN LAND. By Harry A. Bigelow and Joseph Warren Madden. Second Edition. West Publishing Company, St. Paul, 1934. Pp. xi, 95; xix, 813. Price: \$5.50.

Dean Bigelow's *Cases on Rights in Land*, the second volume of the American Casebook property series, was published in 1919 and has been one of the two most popular property casebooks used in second year property classes. This work has now been brought down to date by Professor Madden, who has on other occasions collaborated with his former teacher, Dean Bigelow.

The introductory treatise to the law of real property, which comprised nearly a hundred pages, has been retained with but two or three minor changes and additions. This introduction has been a justly popular key to real property law for students ever since it first appeared.

No revolutionary changes have been made in the casebook proper. Three changes are to be noted. (1) While the arrangement of the first edition is followed for the most part, in three instances section headings have been altered or sections combined. For instance, the first two headings under legal enforcement of covenants are changed to allow the introduction of modern model statutes. In Chapter VI, the matter covered under two headings, *Suspension and Apportionment of Rents* and *Failure to Obtain Possession*, is treated under the single heading, *Defenses to Claims for Rent*. In Chapter VII, also two sections, *Remedies for Waste* and *Equitable Waste*, are put under one title, *Rights of Holders of Various Non-Possessory Interests*. These changes are really of minor importance. (2) A second change has been the dropping of about seventy-five cases and the addition of nearly a hundred new ones. This results in an increase in the size of the new casebook of nearly eighty pages. Almost without exception the cases omitted were of little teaching value, while those added by the reviser present the application of real property law principles to present day conditions; not more than eight or ten were decided before 1919. Of course it goes without saying that modernity is not necessarily a mark of excellence in a real property case; but in this particular instance, the cases introduced into the new edition show careful selection. (3) The third change is to be found in the matter of footnotes. More and better notes appear in the revised work. They follow the present day trend in the incorporation of references to notes and articles in the leading law reviews.

The new edition presents an attractive appearance in the green fabrikoid binding of the modern American Casebook Series.

W. Lewis Roberts.

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