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*by Moses H. Thompson**

ADEQUATE protection in the nature of injunctive relief has been extended to all branches of the law where there is a primary property right to be protected. Despite the rapid development in the field of equitable relief it has always been considered extraneous to actions in domestic relations. The majority of the courts will not protect marital and domestic rights from third party intervention because such action involves a personal right rather than a necessary property right.[1] There is adequate reason for a change in this precept which delegates personality to such an insecure position. Only a limited number of the courts in United States have recognized the need for the extension of protection to purely personal rights.

I. Majority View.

In most American jurisdictions the courts have been reluctant to extend the principle of equitable injunction to domestic relations where the problem involves personal rights as distinct from property rights. *Snedaker v. King*,[2] an Ohio case, is cited more than any other case in American jurisprudence supporting the argument against the use of the injunction in marital strife not involving property rights. The court, in its refusal to extend the equitable principle, relies primarily upon the impracticality of enforcing such an injunction. Plaintiff, Mrs. King, attempted to enjoin permanently the defendant, Jesse Snedaker, from going near, visiting or associating with her husband. The trial court granted the relief requested. The Supreme Court of Ohio held that this was an extreme instance of government by injunction attempting to govern, control, and direct personal relations and domestic affairs. It said that the party in this action has

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[1] Gee v. Pritchard, 2 Swans. 402, 36 Eng. Rep. 670 (1818). The general notion of the necessity of a property right is said to have arisen in this case.
[2] 111 Ohio St. 225, 145 N. E. 15 (1924).

an adequate remedy at law and the extension of the jurisdiction of equity was not warranted either in the interest of good morals or public policy.

Snedaker v. King is noteworthy because of the strong dissenting opinion. The theory expressed in the dissent is that the remedy at law is not adequate, and the marriage relation is a contract entitled to protection against unlawful interference although the obligations of that contract create only personal rights. Justice Marshall in his opinion says, "All property rights and interests, even though growing out of the marital relation, are entitled to care and consideration in our courts as much as those other interests growing out of commercialism." [3] This dissent is a realistic approach to a problem that has plagued the courts and is an offspring of English jurisprudence.[4]

Typical of the reluctance mentioned are the holdings of the courts of New York. They hold that injunction cannot be granted merely to restrain injury to feelings, and this interpretation is presented in the now famous *Baumann* case.[5] Plaintiff Mrs. Charles Ludwig Baumann sought not only the declaration of her marital status but also attempted to enjoin the defendants, Mr. Charles Ludwig Baumann and his paramour, from holding out or representing that they were husband and wife, and also to prevent Mr. Baumann from representing that he was divorced from the plaintiff. Charles Ludwig Baumann, married and domiciled in New York, went to Yucatan, Mexico, in 1924, and there obtained from an administrative officer, known as the director general of civil register, a certificate of divorce. This divorce was declared void upon jurisdictional grounds and thus Mr. Baumann's subsequent marriage was void. The lower court granted the declaratory judgment and also thought it justifiable to grant the injunctive relief for which the plaintiff petitioned. The appellate court contended that the lower court had exceeded its jurisdiction, arguing that, "It is elementary that a court of equity will not award the extraordinary relief of injunction, except in cases where some legal wrong has been done or threatened, and where there exists in the moving party some substantial legal right to be

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[3] *Id.* at 243, 145 N. E. at 21; *see* 14 A. L. R. 300.

[4] Contra: Bank v. Bank, 180 Md. 254, 23 A. 2d 700 (1942), (Right of consortium is not recognized as a subject of equity protection); *see, e.g.*, Chappell v. Stewart, 82 Md. 323, 33 Atl. 542 (1896); Hodecker v. Stricker, 39 N. Y. 515 (1896).

[5] Baumann v. Baumann, 250 N. Y. 382, 165 N. E. 819 (1919). *But cf.* Dandine v. Dandine, 195 P. 2d 171 (1948).

protected. Whether there exists or is threatened a legal wrong to be restrained and a legal right to be protected is, in the absence of disputed question of fact, a question of law." [6] The court reasoned that if the defendants, by holding themselves out as husband and wife under the name of "Baumann" did commit a legal wrong which infringed upon a substantial legal right of the plaintiff the court had the jurisdiction to grant the injunction. But in this case, the court felt it does not constitute such a legal wrong because the matrimonial status of the plaintiff was established by the declaratory judgment which did protect the plaintiff's property rights. The court admitted that the conduct of the defendant was censurable, illegal and socially and morally wrong; it also admitted that such conduct was humiliating to the plaintiff. Yet on the theory that the primary duty of a court with equitable powers was to protect property rights alone and that personal rights were merely incidental, the court circumvented a paramount issue by its refusal to grant injunctive relief.

How a court can concede the commission of these wrongs and still maintain a philosophical indifference is difficult to understand. It should be noted that the plaintiff was not seeking protection for any interest she may have in realty or personalty. She has a status as a wife with certain legal and *social* incidents. It is this status and these incidents that she seeks to protect and since a monetary equivalent is impossible to ascertain, she should have her remedy in equity. Unfortunately, this same attitude shown by the court in the *Baumann* case was taken in *Spitzer v. Spitzer,*[7] presenting essentially the same fact situation.

Dissenting opinions in the majority of cases, wherein injury to a property right is prerequisite to the maintenance of a successful suit, have developed arguments on a humanitarian basis. Forward thinking legal minds denounce a failure to protect personal rights as rigorously as property rights. Justice Crane, dissenting in *Baumann v. Baumann,* states, "We are all agreed that Mr. Baumann has but one wife, and that is the plaintiff. Her name is Mrs. Charles Ludwig Baumann—there is no other such person living. She is known throughout New York in the circle in which she lives by this name. It is more than a name—it is a position, a status, a condition, a relationship, a capacity. A name may mean very little, but the status and relationship which it

[6] *Id.* at 386, 165 N. E. 820-821.
[7] 77 N. Y. S. 2d 279 (1947).

indicates may mean a great deal, not only to the parties but to the world. It means so much that a very large number of our citizens are opposed to the severance of the marriage ties for any reason." [8] He completely agrees that courts should not try to enforce *morality* by using an injunction but that this person has a right to have her *status* in the community protected, as a mother and a wife. Judge O'Brien who joined in the dissent, said, "Something unsound appears to lie in a rule which would deny a court of equity the power to enjoin the masquerade of another's name and title and the infringement of mingled personal and property rights which include that name and constitute the matrimonial status." He further contends, "An individual possesses an exclusive property right in a name." [9] Thus this indicates that courts can extend the principles of injunction without emasculating the fundamental concepts of the doctrine. If there is a property right in a name, here is at least a basis for extension of the doctrine.

II. Minority View.

The solid line evidenced by the majority of the courts typified in the above cases has not remained unbreached. In *Hall v. Smith*[10] the doctrine was extended to a limited degree. The action was for alienation of affection. In the action the plaintiff moved for a temporary injunction against a woman whom she charged with having enticed away the love and affection of her husband. The plaintiff was deprived of the society of her husband by the conduct of the defendant. The court held that it could enjoin the defending party, *pendente lite,* from the continuance of those acts which lie at the foundation of the cause of action. Justice Benedict reported, "Rules of general application in cases of injunctions of a temporary character are applicable in this case. The plaintiff must show not only the existence of a legal right, but must affirmatively show that acts sought to be restrained will be a violation of it. Injunctions do not issue to prevent acts because they are immoral or illegal or criminal but only in case the plaintiff's civil rights are being invaded."

The Supreme Court of Washington, following a modern trend, concluded, "We recognize and approve the modern tendency to

[8] See note 5 *supra* at 390, 165 N. E. 822.

[9] See note 5 *supra* at 392-393, 165 N. E. at 823.

[10] 140 N. Y. S. 796, 798 (1913), (Motion was denied because the supporting action was barred by the statute of limitations.).

protect personal rights by injunctive relief where there is no adequate remedy at law." [11] Although this statement was merely dictum, the case being dismissed upon another issue, it does show progressive thinking; it is an indication of what the court would do if presented with the same facts in another action. California courts adopt the same approach as the Washington court although in *Orloff v. Los Angeles Turf Club*[12] primarily a personal right is involved which is not connected with a problem in domestic relations. It does, at lease, ignore the necessity for a property right upon which the courts are so emphatically insisting, and places a personal right in as enviable a position. The plaintiff in the *Orloff* case was ousted from the defendant turf club on two occasions without cause. He was of good moral character and conducted himself properly at all times. The plaintiff, by this action, was humiliated and embarrassed. Damages were allowed by statute but these were quite speculative and the plaintiff sought an injunctive measure of relief. Justice Carter in his opinion proclaims, "On principle it is difficult to find any sound reason for the enunciation of a broad principle that equity will not protect personal rights. There may be situations in which equity will not act. Such situations arise where the legal remedy is adequate or may involve a prior restraint on freedom of speech or press, or where there is no established legal right to be protected or some other recognized ground for refusing an equitable remedy is presented. *The issue should not in logic turn upon the sole proposition that a personal right rather than a property right is involved. To so reason is to place property rights in a more favorable position than personal rights, a doctrine wholly at odds with the fundamental principle of democracy.*" [13]

Massachusetts also seems to have relaxed from the position to which it had clung so tenaciously. This inference can be drawn from *Kenyon v. City of Chicopee*[14] wherein Justice Qua wrote, "We are impressed by the plaintiffs' suggestion that if equity would safeguard their right to sell bananas it ought to be at least equally solicitous of their personal liberties guaranteed by the Constitution upon the same condition which it will protect property rights by injunction. In general these conditions are that

[11] Pearce v. Pearce, 37 Wash. 2d 918, 226 P. 2d 895 (1951).
[12] 30 Cal. 2d 110, 180 P. 2d 321 (1947).
[13] *Id.* at 117, 180 P. 2d at 325. Emphasis supplied.
[14] 320 Mass. 528, 533-534, 70 N. E. 2d 241, 244 (1946); *see* Berrien v. Pollitzer, 165 F. 2d 21 (1947).

unless relief is granted a substantial right of the plaintiff will be impaired to a material degree—that the remedy of law is inadequate—and that injunctive relief can be applied with practical success and without imposing an impossible burden on the court in bringing process in disrepute." So, by injunction, the court protected the plaintiff's rights to distribute literature on the streets of the City of Chicopee as employees of the Jehovah Witnesses. The officials of the city were enjoined from interfering with the plaintiff's Constitutional rights, to carry on business in general and the right to obtain work in their chosen field.

The problem of adequacy of remedy at law and injunctive relief in domestic relations *can* be handled with a social consciousness and in a humanitarian spirit. There is need for a view directly opposed to that which is regarded as the law in the majority of the jurisdictions. Georgia stands out as a proponent in the case of *Stark v. Hamilton.*[15] Here a man debauched a minor girl and induced her to abandon her parental abode and live with him in a state of fornication. Will equity afford a remedy by injunction in a suit by the father to enjoin the man from associating and communicating with the girl? The opinion responds with profound reasoning; the court says, "It in a sense involves both personal and property rights. The father has a right, under the statutes of this state, to protect his minor child, to be protected by her and to have her reside in his home and with his family." [16] The court believes that money damages would be adequate in some circumstances, especially in regard to humiliation, but that damage to a family reputation is irreparable; some things money cannot repair. There is a prevailing tendency among individuals to put too many things on a pecuniary basis; but for the courts to adopt such a concept would indeed be an indication of moral decay.

A decision often cited is the case of *Henley v. Rockett,*[17] wherein it is said that injunctive relief is not limited to the protection of property rights, but extends into many fields where no adequate remedy at law is available. It must be noted that in Alabama no action can be maintained for alienation of affection or criminal conversation. In this case the wife did not lose the support of her husband but just his companionship. Judge

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[15] 149 Ga. 229, 99 S. E. 861 (1919).
[16] *Id.* at 230, 99 S. E. at 862.
[17] 243 Ala. 172, 8 So. 2d 852 (1942).

Bouldin stated, "But support is only one element of consortium properly construed—the temporary injunction forbids those acts on the part of the respondent tending to cultivate and keep up the wrongful relationship between her and complainant's husband, as featured in this particular case." [18]

A case which may well make legal history was that of *Pashko v. Haas et al.*,[19] an Ohio case. In this case an action for alimony was initiated in the Common Pleas Court of Cuyahoga County. The plaintiff, Orpha Jean Pashko, asked that during the pendency of the suit her husband and the new defendant, Florence Haas, be restrained from communicating or associating with each other. Judge Julius Kovachy held that the injunction should be granted since both of the defendants admitted the allegations of the petition. This case must be considered in direct opposition to the stand taken by the Ohio Supreme Court in *Snedaker v. King*,[20] up to now the ruling case in Ohio. Although many of the facts are similar, the distinguishing factor is that *Snedaker* case was an original action in a court of equity while the action for a restraining order by Mrs. Pashko was supported by a suit for alimony in a court having equitable powers. Judge Kovachy valiantly defends the marital *status* and its obligations. He writes, "Marriage is a civil contract between husband and wife considered by law a status in which the state has an interest and over which it should exercise watchful vigilance to safeguard its sanctity and to prevent its disruption, if possible." [21] The opinion discusses the philosophy pertaining to alimony and divorce drawn from numerous jurisdictions. The jurist places the value of personal rights on as substantial a foundation as property rights.[22]

Perhaps a possible solution is pointed out in some American jurisdictions wherein the courts will protect a personal right by injunction if there is a co-existent nominal property right. The

[18] *Id.* at 176, 8 So. 2d at 855.

[19] 45 Ohio Op. 489, 101 N. E. 2d 804 (1951).

[20] See note 2 *supra*.

[21] See note 19 *supra* at 489, 101 N. E. 2d at 804.

[22] Judge Julius Kovachy emphasized, during a discussion of this case, that a court must not overlook the appropriate procedure that follows when a petitioner seeks a restraining order against the person. When a petitioner seeks to restrain a party from relieving himself of assets during the pendency of an action in domestic relations a hearing is not needed; the order is automatically granted upon motion. An oral hearing is necessary, however, before an injunction may be considered against the person. This is mandatory. It gives the defendant an opportunity to defend himself against any false accusations and gives all parties in the action their day in court.

classic case using this approach was decided in New Jersey.[23] The plaintiff sought the cancellation of a birth certificate placed on a public record. He was charged with paternity of a child and sought a permanent injunction against the mother and the child claiming under the certificate the status and name and privileges of property born of a legal marriage. Judge Dille in his opinion says, "If it appeared in this case that only the complainant's status and personal rights were thus threatened or thus invaded by the action of the defendant and the filing of the false certificate, we should hold, and without hesitation, that an individual has rights, other than property rights, which he can enforce in a court of equity and which a court of equity will enforce against invasion and should declare that the complainant was entitled to relief." Although it was part of the opinion it was not the official voice of the supreme tribunal, but merely dictum; for he further states, "—whether this might not have rested on such personal basis alone without reference to the technical protection of property is not decided, because the present case does present the property feature to an extent sufficient to satisfy the rule adopted by the court below." [24] This represents a commendable subterfuge resorted to by a court to do that which the public calls for. If justice need be accomplished in this manner the rule to which the majority of courts adhere must deter justice in equally as many cases as it abets it.

In a jurisdiction where the courts are confronted with the problem of finding a substantial property right and are reluctant to establish precedent why should not the court employ a legal fiction? Certainly there is nowhere in law a better situation in which the end will justify the means. For example, in Ohio a man or woman has a right of action in tort for loss of consortium due to the malicious acts of third persons. Malice in this instance is inferred from the intent to do harm or interfere with the marital rights of another. It would not be irrational to say that if this interference with a marriage relationship constitutes a cause of action for damages, a continued interference should be worthy of protection by injunction. A good example of this is the case of *Flandermeyer v. Cooper*.[25] The court held that a wife could main-

[23] Mitchell v. Vanderbilt, 72 N. J. Eq. 910, 67 Atl. 97 (1907); Chaffee, 34 Harv. L. Rev. 407 (1920-21). *But cf.* Reed v. Carter, 268 Ky. 1, 103 S. W. 2d 663 (1937), (A natural right supported by a contract executed for a consideration).

[24] Mitchell v. Vanderbilt, *supra* note 23 at 919, 926, 67 Atl. at 100, 102.

[25] 85 Ohio St. 327, 98 N. E. 102 (1912).

tain an action against a man who supplied her husband with morphine which rendered him mentally and physically incompetent. The first paragraph of the syllabus reads, "Husband and wife are entitled to the affections, society, cooperation and aid to each other in every conjugal relation and either may maintain an action for damages against anyone who wrongfully and maliciously interferes with the marital relation and thereby deprives one of the society, affection and consortium of the other." It is difficult to find a situation any more meritorious than this in which a court with equitable powers should grant an injunction if such were requested by the injured party.

Ohio courts can dissolve a marriage where one of the elements of consortium are flagrantly violated by one of the spouses.[26] If one of the injured parties petitioned the court for a restraining order to prevent the deprivation of one of these rights by the intervention of a third party the court will deny the relief requested. The void caused by the lack of a technical property interest destroys all hope of reconciliation of an estranged couple, or the preservation of a family. Courts which deny a writ of injunction to prevent this unrighteous conduct, in a proper case, are closing their eyes to the actual needs.

Adequacy of remedy can be nebulous in scope. Courts in many instances, even when they feel that injunctive relief is reasonable, evade the issue by declaring that the petitioning party has other remedies. It is cruel rule to apply in cases wherein human emotions and strained feelings are involved. Many of the courts exhibit an apathetic attitude when declaring that the plaintiff has an adequate remedy at law that would assure a complaining party the relief he seeks.[27] An example of how harsh the application can be has been found in *Hadley v. Hadley*[28] where a divorce was considered an adequate remedy when one party sought injunctive relief. The plaintiff, Dorothy Hadley, brought an action for divorce from Charles Hadley on the grounds of nonsupport and cruelty. Charles Hadley, the defendant, filed a cross-bill of complaint for an injunction to restrain the plaintiff from associating with certain people. The lower court dismissed the cross-bill of the defendant and granted the decree of divorce. On appeal the decree for plaintiff was reversed on the contention

[26] White v. Buchwalter, 49 Ohio L. Abs. 589, 75 N. E. 2d 604 (1947).
[27] *See* 28 Am. Jur. 39 (What constitutes adequate remedy).
[28] 323 Mich. 555, 36 N. W. 2d 144 (1949).

that the evidence produced on behalf of the plaintiff did not warrant a decree of divorce. Yet the higher court sustained the trial court's action in dismissing the cross-bill of the defendant which sought an injunction. The court said that if the defendant felt so aggrieved his relief should be confined to a dissolution of the marital relation.

Concededly this would be a remedy, but it should be the last alternative. When one is making a concerted effort to mend a marital breach through the aid of a court would it be justice to say that this court cannot give you aid because you have other remedies, one being the dissolution of your marriage or a financial satisfaction? Although this is one way of handling a matter in which every citizen has an interest, it certainly is not the most satisfactory. An adequate remedy at law, preventing relief by injunction should be as plain, complete, practical and efficient to the ends of justice in its prompt administration as the remedy of injunction itself.[29]

III. Statutory Provisions.

Although the majority of American courts still retain the old rule concerning injunction which infiltrated into our system from England, the English courts have modified their position. In the early days the power of the chancery courts of England was hampered by the necessity of finding a prerequisite property right. Today this is not the rule, for the limitations were removed by an act of Parliament in 1783 that gave power to grant injunction in all cases "in which shall appear to the court to be just or convenient that such order be made." [30] Since such time courts with equitable powers are no longer required to search for property rights on which to base their jurisdiction to grant an injunction.[31]

A few states in this country have statutes which resemble this English provision. The Texas legislative body granted the right to the courts to issue an injunction regardless of the lack of property interest in the action.[32] Oklahoma also has such a statute which authorizes injunctive relief to prevent injury

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[29] Cook v. Panhandle Refining Co., 265 S. W. 1070 (1924).
[30] English Judicature Act of 1783, Sec. 25 (8); *see* 37 L. R. A. 787 (1897).
[31] *See* 14 R. C. L. 371.
[32] Tex. Rev. St. 1925, Art. 4643, (Discussion of this statute in *Hawks v. Yancey, infra* note 37 at 237-238).

to personal rights without requiring that there be a threatened damage to a property right in order to obtain injunctive relief.[33]

Texas cases illustrate what courts can do when not hindered by a rule requiring that a property right be the subject matter of the action. The excellent opinions of the justices in these cases are indicative that such decisions could be possible without such an enabling statute. In *Ex Parte Warfield*[34] the right of injunction was recognized in an action denying habeas corpus to one who was imprisoned in jail on a contempt charge for violating an order restraining the defendant from writing to, speaking to, or talking with the plaintiff's wife, whose affection he had already partially alienated. Again in *Witte v. Bauderer*[35] the court enjoined the defendant from having anything to do with the plaintiff's wife except that the defendant be permitted to associate and consult with the plaintiff's wife in such manner that she can discharge her duties as bookkeeper for the defendant. Justice Smith relates, "We know of no law of God or man under which appellant may claim the right to intimately consort, day and night, with appellee's wife, in open and boasting defiance of the express wish and command of the appellee nor does the restraining order deprive the appellant of a single right to which he is entitled under the law. The contention that the appellant has the right to continue these objectionable relations with appellee's wife, and to flaunt those relations in the face of the appellee, and the latter's family and friends, and the public, is an affront to decency and propriety, and can get no approval in this court." [36] This right of injunctive relief was likewise granted in *Hawks v. Yancey*,[37] the court holding that a writ of injunction would issue to protect a woman from a person with whom she had had illicit relations, which person insisted upon imposing himself upon her on the public street, watching over her and preventing her from enjoining "her constitutional rights." Even in light of statutory provisions, these cases are indicia of a forward step in establishing the fact there is a need for the protection of personal rights from third party intervention.

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[33] 12 OKLA. STAT. 1951, Sec. 1382.
[34] 40 Tex. Crim. Rep. 413, 50 S. W. 933 (1899); *see* 1 L. R. A. (ns) 1149.
[35] 255 S. W. 1016 (1928).
[36] *Id.* at 1017.
[37] 265 S. W. 233 (1924).

IV. Summary.

Which is the best reasoning? Time seems to be the only element that will decide. The courts seem reluctant to set a precedent, dogmatically refusing to breach the restrictions by any positive action except in isolated instances. It stands to reason that many homes can be saved and more often stabilized by a change from the majority rule. Home life is a fundamental necessity in a democratic existence. One of our prominent justices says, "The necessity for the continuous adoption of the law to the needs of the time is a fundamental problem deserving of extensive consideration." [38] He confides that the common law lags behind social change and when the gap between common law and actual needs becomes too great, legislative enactments are necessary. Even legislation is not always adequate because the perspective of a legislature is not always as consistent as the reasoning of a tribunal which has all the facts of a particular case or cases at its disposal to decide without extrinsic influences. It is the duty of the courts to keep pace with the social trends in American life. Justice Holmes states convincingly, "It is revolting to have not better reason for a rule of law than it was laid down in the reign of Henry IV. It is still more revolting if the grounds which are laid down have vanished long since and the rule simply persists from blind imitation of the past." [39] Laws are only as good as they are effective in actually being put to work and actively applied to serve justice. "How well law succeeds in its task is the measure of its success. If the purposes which law exists to achieve are effectuated, well and good. If not, law must be molded and shaped to attain these ends." [40]

We cannot consider this as a hopeless situation because the courts are gradually adjusting to the needs of the day. The evolution of law is a slow process; courts do not readily accept these ideas although they are conscious that changes are needed. Pound in his "*Interests of Personality*" [41] states that this nation is backward in preventive measures in law. "In connection with interests in personality, where redress by way of damages is often obviously inadequate if not applicable, the hesitation of our

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[38] A. T. Vanderbilt, *Modernization of the Law,* 36 CORNELL L. Q. 433 (1951).
[39] Holmes, *Path of the Law,* 10 HARV. L. REV. 457, 469 (1897).
[40] T. A. Cowan, *The Relation of the Law to Experimental Social Science,* 96 U. of PA. L. REV., 484, 501 (1926).
[41] 28 HARV. L. REV. 343, 364 (1915).

law to apply preventive measures is unfortunate and without excuse."

Major conflicts which lead to separations and divorce in family life in the United States, once a rarity in American life, have created a serious problem which tends to destroy the foundation of the American home. Even divorce, which was once looked upon as scandalous and a disgrace, today is a common everyday occurrence. Today's courts have been unable to keep pace and there is a tremendous backlog of domestic relations cases. Our courts cannot possibly solve this problem unaided because it is a condition that involves society, social changes, shifts in population, war hysteria, and many other factors, each contributing to a depressing condition. The courts have evidenced feelings of sympathy but they have not used to full advantage the devices at their disposal. When a court fails to administer justice people blame the courts and not a rule of law even though a particular segment of the law is being strictly construed. Courts rightfully can be blamed when nothing interferes with justice but precedence and out-moded theories. Courts are an entity established not by mere accident but by democratic design to give balance to a way of life and protect people from a transgression upon any of their aggregate rights. Thus Americans expect and deserve a reasoning that will cope with the problems that confront them in everyday life. Where laws are inadequate to protect the person and all his aggregate rights it is the duty of the court to fill the void caused by the lack of statutory protection for personal rights and grant injunctive relief.