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Conflict of Laws

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REVIEWS

CONFLICT OF LAWS

The subject of Conflict of Laws is one of tremendous importance and yet one of the least understood by lawyers and even by the courts. Modern digests are unintelligible, encyclopedias of little value and treatises old and out of date. It is little wonder that cases are frequently lost because the law of the wrong jurisdiction is applied. Often a nice question of conflict passes unnoticed. More often those seeking to apply the correct law are confused by the inconsistent and misleading expressions of the courts themselves and thus the work of a text writer is rendered more difficult.

The latest addition to the Hornbook Series deals with Conflict of Laws, and has received most general approval of the legal profession. Two of the leading teachers of Conflict of Laws, Beale of Harvard and Lorenzen of Yale, have generously given it the highest praise. That these two critics, teaching different doctrines, should express their approval in very complimentary terms, indicates the merit of the work.

In many particulars the book goes beyond the field of a Hornbook. While it expounds the views of one school on the subject of Conflicts, it gives sufficiently numerous citations and references to show the theories of the opponents of that school. To the credit of the author it may be said that he does not hesitate to set out clearly and concisely his own views upon any question in the interest of attaining results more practicable than the ones reached under the existing rules. For example, at page 47, he suggests that a wife be allowed to establish a separate domicile when she makes her home separate from her husband, regardless of the motive or propriety of her conduct. Moreover, he presents the views of the leading exponents of the subject whenever he believes their theories desirable.

The Renvoi doctrine is well treated and shown to be indefensible and unsound, and these views are backed up with citations to articles of the leading scholars.

In presenting Prof. Lorenzen's view on a contract question, the author entitles it "Lorenzen's Solution" and remarks that "It is included here, not because of the judicial authority supporting it, but as the considered conclusion of a thorough scholar in the field."

The book is composed of fifteen chapters, covering the following subjects: Introduction and General Principles, Domicile, Taxation, Jurisdiction of Courts, Substance and Procedure, Tort Obligations, Contract Obligations, Marriage, Matrimonial Property, Divorce, Legitimation and Adoption, Property, Inheritance, Administration of Estates and Judgments. The important ques-

**Handbook on the Conflict of Laws.* Herbert F. Goodrich. The Hornbook Series. St. Paul. West Publishing Co. 1927. Pp. xii, 500. Price \$4.50.

tion of Contract Obligations is inadequately treated, only thirty-three pages being devoted thereto. The subjects of Bills and Notes, Carriers, Agency and Partnership are deemed of insufficient importance to merit particular treatment. The chapter on Taxation is probably considered by the author as of greater importance, and is carefully treated, although the subject is more completely developed in works on Taxation.

The author states briefly, and in the main correctly, the majority rule in most instances, and he gives fairly and accurately the views of those who differ with him. His presentation is honest, and he lays before the reader a great mass of material in the form of articles and notes from the leading legal periodicals. The leading cases are generally given, and a cross reference is made to the splendid case book, Lorenzen's Cases on the Conflict of Laws, and thus another fund of citations and theories is laid open for the reader. References are abundant to the writings of all the leaders in the field of Conflicts.

The book is well indexed, which materially aids the lack of a table of cases which the publishers have not seen fit to supply. The citations appear to be accurate although at page 219 the author cites the case of *Egley v. T. B. Bennett & Co.* (Ind. App.), 139 N. E. 385, a decision which was superseded by 144 N. E. 533, which in turn was superseded by 145 N. E. 830.

The book comes at an opportune time and fills a need long felt by courts and lawyers. It is the first comprehensive American book since the last edition of Wharton in 1905. The work should prove exceedingly popular, at least until a more exhaustive treatise upon this important subject is produced. The book is essential to the court, necessary to the practitioner and valuable to the student of Conflicts.

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Of the Indianapolis Bar.