

Cases on Conflict of Laws

John McDill Fox

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scope of the problem is, therefore, quite apparent. In a little book of one hundred thirty-seven pages, under the heading of *Corporate Reorganization and the Federal Court*, will be found a collection of essays by Messrs. Roberts Walker, Robert T. Swaine and James N. Rosenberg which will be of great value to any attorney confronted with a reorganization problem or who desires a start in the study of the subject.

CARL B. RIX

Cases on Conflict of Laws. By ERNEST G. LORENZEN. Second Edition. St. Paul: West Publishing Co. 1924. pp. xxiii, 1096.

About ten or twelve years ago one would hunt in vain in the American Digests or Encyclopedias for a heading "Conflicts." There has been little attempt at a treatise. Story created the subject and his treatise is treated as decision. Wharton and Minor have published American works which were not very authoritative. Dacey has published an excellent work dependable for English law. The work of Beale in this field is the modern classic.

This subject is becoming more and more popular in the law school curriculum. Indeed, it is the only place in the undergraduate curriculum where the majority of law students gain any elementary knowledge of jurisprudence; and though to-day there is a growing demand for graduate studies, for some considerable time the law student's only point of contact with the science of jurisprudence will be through this subject.

At the outset it seems worthy of notice that Professor Lorenzen has done a great deal in his case book, in both editions, but particularly in this recent one, to open the course to a wider variety of students. The mechanical make-up of the notes and their content makes available much material really of comparative law, and renders it practicable for students who have not taken certain substantive subjects; for example, future interests, to study the problems of conflicts. The substantive law of the various jurisdictions involved is briefly stated in the notes and facilitates and invites the student who might otherwise not attempt the course.

The subject matter of the course is well presented. The arrangement of the topics might be somewhat changed but the author's arrangement is, in the main, logical and for teaching purposes a very convenient one. The subject itself has been the football of jurists and there is a wide divergence of views as to elementary principles. With all these views the author attempts to do justice. The three theories of conflicts, the Statutist Theory, the Theory of Private International Law, and the Postivist Theory (or the Theory of Vested Rights) are all illustrated, not only with the standard leading cases but with the most modern applications, together with a wealth of reference to articles by distinguished jurists on special phases of the subject. The historical development of the subject together with the influence of various schools of thought (see for instance on page 8, the development of the Statutist Theory and the influence of the Dutch School) and the influence of the Civil Law and its present trend and importance are set down very clearly and attractively. The line as to what is substantive and what is procedural is indicated in a very excellent manner by a series of cases which contain several very modern citations. The book as a case book for students' use is particularly well done and by its selection arrangement and representation of subject matter is well calculated not only to hold but intrigue the interest of the student and prompt him to enter more fully into the study of jurisprudence itself.

The citations are all given not only with reference to the state reports but also to the reporter systems. It is to be regretted that the new plan of the West Pub-

lishing Company to also add key number citations was not employed in this case book. It would have rendered accessible much material which, from the nature of this subject, must otherwise remain inaccessible.

JOHN McDILL FOX

Books Received

Financial Organization and Management. By CHARLES W. GERSTENBERG. Prentice-Hall, Inc. 1924. pp. xvi, 723.

The Constitution and the Courts. Compiled under the editorial supervision of the publishers. In three volumes. New York: Edward Thompson Co. 1924. Vol. I, pp. vi, 1169; Vol. II, pp. iv, 1114; Vol. III, pp. 478.

Civil Court Act. Compiled and annotated by AUGUST E. BRAUN. Milwaukee: Moebus Printing Co. 1924. pp. 39.