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Handbook on the Conflict of Laws (Book Review)

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HANDBOOK ON THE CONFLICT OF LAWS by Herbert F. Goodrich, St. Paul, Minn., West Publishing Co., 1927. pp. xii, 500.

It is not often that a book appears designed chiefly for students which maintains as keen an appeal for the practicing attorney. When such a work does appear written clearly and vigorously and relating to one of the fascinating branches of the law, it is indeed an event worthy of note, though it appears under the modest title of "Handbook of the Conflict of Laws."

The subject of Conflict of Laws is of comparatively recent development for reasons which readily present themselves. It was only with the development of large units of industrial production and large scale corporate enterprise that business activities transcended local confines and became nation-wide in character. So long as the tradesmen bought his merchandise from his local supply-house which in turn was locally supplied questions of the Conflict of Laws did not arise. As the productive capacity of the nation increased, State lines were ignored in the endeavor to find a market for commodities, salesmen were sent the country over, orders were transmitted to New York, Chicago and San Francisco, from Maine to New Mexico and the disputes arising in connection with these ramifications of commerce, raised those problems which Professor Goodrich has so well analyzed in his work. Not only the change in the business enterprise from local to national in character, but also the betterment and facilitation of transportation and communication accelerated the development of the subject of conflict of laws in the last few generations. The use of the automobile is probably one of the most significant factors in that connection.

Professor Goodrich does not pretend to offer an exhaustive analysis of his field. His work is a handbook in name and in fact. But within the limits necessarily imposed by his method of treatment, he has covered his field in a scholarly and well-balanced treatment. In his introduction, he points out that the subject of Conflict of Laws is virtually a development of the last two generations; that the subject matter is so recent that even *Corpus Juris* does not present a treatment of the subject under that heading and that there are very few texts devoted to it. There has, however, been a veritable flood of cases within the past three or four decades, which have left the subject in an unsettled and chaotic condition, due to the lack of an historical background and a failure fully to appreciate the rationale underlying the rules applied in the various jurisdictions. This situation is strictly exemplified in the conflict prevailing in the Conflict of Laws relating to Divorce in which the Supreme Court of the United States has decided a series of cases which it is impossible completely to reconcile. The author has given a well-reasoned commentary on the conflict of cases relating to the Conflict of Laws on this subject which, in view of the uncertainty of the New York law, is of particular value to a lawyer in this State.

In addition to the chapter on Divorce, the author also discusses the problems relating to the Conflict of Laws in marriage, matrimonial property and legitimation and adoption which are substantially connected therewith. They provide a careful, thoughtful and well-reasoned presentation of the subject with which it would be well for a lawyer confronted with a problem in Conflict of Laws, to start out. The other topics of the treatise are those which would conventionally be expected, such as *Domi-*

cile, Tort Obligations, Contract Obligations, Property, Inheritance and Foreign Judgments.

The subject of Conflict of Laws is important, the decisions are in an apparent discord. This book is recommended to any attorney to whom is presented a conflicts problem for determination as a means of getting his bearings and as a case-finder to the important decisions.

N. WILLIAM WELLING.

CASES ON FEDERAL JURISDICTION AND PROCEDURE, by Harold R. Medina, St. Paul, Minn., West Publishing Co., 1926. pp. 674.

The author of this Case Book is a well-known authority on Procedure and is, therefore, eminently fitted to the task of producing a much needed Case Book on Federal Jurisdiction and Procedure. Perhaps too little attention has been paid by our Law Schools to this important subject, and the young practitioner soon finds this out. With a vast increase in both the amount and scope of Federal Legislation in recent years, the practising lawyer finds each year more and more of his cases must be brought or defended in the Federal Courts, and, therefore, the timeliness of a Case Book dealing with this subject is very apparent. Indeed, so great has been the increase in the number and diversity of cases litigated in the Federal Courts that our Law Schools may well consider the advisability of adding a course in this subject to their curricula.

The book very properly commences with a group of cases designed to bring out the nature, source and extent of the Federal Judicial Power, illustrating, among other things, the general limitations upon that power and the important subject of the relation between State and Federal Courts. About three-fifths of the book is taken up with cases on the troublesome and perplexing subject of Original Jurisdiction, District Courts, and Removal of Causes from the State to the Federal Courts. About one-fifth of the book is devoted to the subject of Appellate Jurisdiction of the Circuit Courts of Appeals and the Supreme Court of the United States. A valuable Appendix contains the Constitution of the United States, the Judicial Code, the Removal Act of 1866, Revised Statutes of the United States and Miscellaneous Statutes relating to Federal Jurisdiction and Procedure.

One looks in vain for any cases on the Jurisdiction and Procedure of the Court of Claims, on the Tucker Act, on Admiralty Jurisdiction, or on Criminal Procedure. Otherwise, the book is comprehensive and exceedingly well arranged under chapter and section headings.

There are 211 cases reported in whole or in part in the text. Of these 176 are decisions in the Supreme Court of the United States; 15 are decisions of the old Circuit Courts; 16 are decisions of the new Circuit Courts of Appeals; three are decisions of the District Courts, and one a State Court decision. It is interesting to note that of the 16 Circuit Court of Appeals Cases, 7 are decisions of the Eighth and four of the Seventh Circuit. There are no decisions of the Circuit Court of Appeals of the First, Second, Third or Fourth Circuits.

The annotations and foot-notes have been carefully prepared and are a very valuable supplement to the cases to which they refer.

FREDERICK A. WHITNEY.