

of Federal bureaucracy are not likely to be cured by an ill-assembled and ill-informed attack upon a nebulous Socialism, and Mr. Beck, when he attempts to make it a party weapon of industrial aggrandisement, does little honor to the Constitution he lauds.

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CASES ON THE CONFLICT OF LAWS. By Ernest G. Lorenzen. Third Edition. St. Paul: West Publishing Company. 1932. pp. xxx, 1118.

Lorenzen's Second Edition of his cases on Conflict of Laws appeared in 1924, the same year that both he and Professor Walter W. Cook in two important papers published in the the Yale Law Journal<sup>1</sup> definitely formulated a so-called Yale Critique of the orthodox doctrine taught for a generation by Professor Beale at Harvard. It was natural therefore that the Lorenzen collection should, in the words of one reviewer, have challenged "a comparison with the work of Professor Beale". For that comparison, ably executed, the reader must go to Professor Isaacs.<sup>2</sup> The Third Edition which appears in 1932 continues to accentuate as its paramount point of interest, contrast with the traditional handling of these materials. The more so because it is presented at the very time that the Beale view (or as that charmingly disarming teacher would prefer to say, the *common law* or *legal* view) has taken on a new permanence through the imminent publication of the American Law Institute Restatement of the Conflict of Laws. The Isaacs gloss, supplemented by Professor Beale's own second edition, definitely retains its pertinence.<sup>3</sup>

The Third Edition suggests an additional point of comparison,—that between it and the Second. Professor Lorenzen has continued to move "left". His preface provides the clue,—“In accordance with present tendencies, it seemed expedient to abandon such general categories as “domicil,” “procedure,” and “property,” and to develop all rules of the Conflict of Laws in connection with the particular fact situations to which they relate”. And the book carries out the promise of the preface. Second Edition chapters entitled, Nature of the Subject, Domicil, Procedure are dropped; the large Second Edition chapter on Obligations is divided into one chapter on Torts and Workmen's Compensation Acts, one on Contracts (sub-headings,—Bills and Notes, Insurance, Arbitration Agreements), and one on Sales and Mortgages (Sales of Lands, Sales of Chattels, Mortgages and Conditional Sales). A new chapter entitled Business Organizations (Partnerships, Corporations) absorbs the material formerly found in Foreign Corporations. The old chapter, Inheritance and Foreign Administration, is supplemented with material on Trust Estates and Debtors' Estates and presented in a chapter entitled generally, Administration of Estates. This reclassification is extremely interesting. Is it

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<sup>1</sup> Lorenzen, *Territoriality, Public Policy and the Conflict of Laws*, 33 YALE L. J. 736; Walter W. Cook, *The Logical and Legal Bases of the Conflict of Laws*, 33 YALE L. J. 421.

<sup>2</sup> 38 HARV. L. REV. 125 (1924).

<sup>3</sup> Compare Yntema, *The Hornbook Method and the Conflict of Laws*, 37 YALE L. J. 468 (1928).

intended as a more efficient pedagogical device? Or does Professor Lorenzen intend thereby to demonstrate more effectively the limitations of general concepts (at least in Conflict of Law)? He has scrapped the category (as he calls it) of domicile; and with it have gone some fourteen cases that he used in his Second Edition. From that chapter as formerly written only two cases are printed in the section on Decedents' Estates and two cases are mentioned in footnotes in the chapter on Family Law. Does this mean that Professor Lorenzen has also scrapped the view he expressed in the Second Edition: "Domicil plays a most important role in the Conflict of Laws of England, the United States and of most South American countries"?<sup>4</sup> Probably not. The Third Edition is not necessarily a repudiation of this statement. Professor Lorenzen need not be taken to deny the importance of the notion of domicile, but only its *governing* importance. In the same way other chapters may be viewed, notably the chapters that received the material dealing with property. Whatever the judgment of the teaching profession of this volume as an improved teaching device, it is admirable as a subtle statement of a point of view regarding divergences, not so much in kind as in emphasis, in underlying conceptions.

This book must have said of it that it is invaluable in the practicing lawyer's library. All of the classic decisions of the past decade and all of the worthwhile and important periodical literature find a place. The footnotes on foreign law are unique and irreplaceable.

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CASES ON BUSINESS LAW (Second Edition). By William Everett Britton and Ralph Stanley Bauer. St. Paul: West Publishing Co. 1932, pp. xxxi, 1219.

"This collection of cases is designed for the use of students in schools of commerce and business administration." The plan of the book, however, is so well conceived as to invite consideration for law school use. The subject is opened up with a concise but excellent introduction to the study of law. The material is then divided into six parts: Contracts, to which the compilers wisely estimate about one-third of the time should be devoted, Agency, Negotiable Instruments, Sales, Partnership and Corporations. Preceding the cases in each part is a short but very helpful topical discussion, and in those sections of the law wherein there have been codifications, apposite portions of the various uniform acts are set out. There are generous foot-notes, sufficient citations and pithy discussions inserted appropriately as each subject is developed. The cases, however, are all well edited and selected with rare discrimination, particularly from the standpoint of modern business law and dramatic value.

"Older cases have been omitted," where modern cases will bring out the principles, but to deny a place to *Adams v. Lindsell*<sup>5</sup> because of its age is a sort of sacrilege in the development of the law of contracts. It is still one of the great

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<sup>4</sup> LORENZEN, CASES ON THE CONFLICT OF LAWS, 2d Ed., p. 9.

<sup>5</sup> 1 Barn. & Ald. 681 (K.B. 1818).