

of us envisage the integration of specific performance with other equitable remedies, and with other parts of civil procedure in a single course or series of courses. Professor Chafee and Dean Pound of course have other casebooks on equitable relief against torts, which perhaps will be integrated with the present work. Some assurance to that effect would have been welcome, and such a plan might very well have altered somewhat the arrangement of these books. As matters stand at present, it is somewhat difficult as a practical matter to justify the use in such a combined course of a three volume set of over 2,000 pages, when only a part can possibly be discussed in the time ordinarily available for the purpose. This is perhaps the most serious obstacle to the wide use of the books. If they choose to meet it, the editors will place us further in their debt by the preparation of a single volume casebook on equitable remedies, embracing as well as possible the whole field.

The mechanics of the books are excellent. The innovation of illustrations is striking; some one should have thought of it earlier. The indices are far better than those to which we are accustomed; and the typography is first-rate. The books should certainly find a place in every law school library and on every equity teacher's desk, as a major contribution to the literature of the subject.

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Restatement of the Conflict of Laws. St. Paul: American Law Institute Publishers, 1935, pp. xli, 814. \$7.50.

Jason was many years in getting the golden fleece. Thus the passage of a mere eleven in the preparation of the Conflicts Restatement is not surprising. For the modern Argonauts have had their adventures, have steered dangerously between Scylla and Charybdis, overpowered dragons and withstood the songs of sirens. Whether they can yoke the two fire-breathing bulls with brazen feet is perhaps a matter of conjecture, But at any rate, Professor Beale and his advisers have at length completed the courageously attempted task of restating the subject of the Conflict of Laws and their work, adopted and promulgated by the American Law Institute, is now offered to the profession.

To dwell on the appalling nature of the task and the industry and thoroughness with which it was accomplished is to state the obvious. The haphazard character of the decisions as a whole, the comparatively recent development of the subject and the lack of an adequate literature combined to make this perhaps the most difficult field in which the Institute has attempted to operate. The painstaking character of the efforts of the reporter and his advisers is indicated by the numerous preliminary drafts which were prepared as well as the many conferences with workers in other fields which took place. It is to be hoped that these efforts will have corresponding benefits in the creation of an influence leading to a greater uniformity of decision in a field of ever increasing importance to our national life.

To enter into a detailed discussion of the various sections would be far beyond the scope of a brief review. It has been said, and probably no one would dispute the truth of the assertion, that the Restatement as a whole bears the impress of the views of the reporter. The introductory chapter and the portions of the work devoted to jurisdiction are perhaps outstanding illustrations of this fact. That it should be true is scarcely a cause for comment; the converse would be more alarming. Nevertheless, the impact of other forces may be noted in some of the modifications which have been incorpo-

rated during the process of revision which has been constantly in progress. One feels that Section 94, recognizing the power of a state to direct a party to act in another state if not contrary to the law of the latter, Section 115, dealing with jurisdiction to nullify marriages, and Section 137, covering the law governing legitimacy, when taken together with the illustrations and comments, are a few of the numerous examples which might be cited.

Section 113, stating the rule as to divorce jurisdiction by the state of the domicile of one spouse, raises a problem which possibly will never be settled until teachers of conflicts tire of writing about *Haddock v. Haddock*. The obvious criticism of this section, and one which is not entirely without justification, is that it makes the misconduct of one spouse a jurisdictional fact and thus increases uncertainty in a field where it is extremely undesirable. The sections dealing with chattel mortgages and conditional sales are perhaps necessarily inadequate in that it is impossible to deal effectively with the numerous and varied statutory provisions which complicate the situation. Other sections may also be open to criticism of this kind but it is impossible to deal with them here.

In a field in which the case law leaves many gaps to be filled in by some means or other it is of course impossible to attempt a statement of a complete body of rules without suggesting some which are not based upon direct judicial authority. In several instances this has been done by the framers of the Restatement with results which may arouse opposition. However, in the main it must be conceded that the suggested rules are sensible and if one accepts the premise that a "Restatement" can properly contain matter of this kind little fault is to be found. One of the most noteworthy examples of "legislation" of the sort referred to is to be found in the chapter dealing with the administration of estates, in which the introductory note points out the absence of direct case authority for some of the rules stated. This chapter in general seems to be splendidly done and the attempt to secure "the prompt, fair and convenient handling of an estate for the benefit of those concerned therein" is worthy of commendation.

The Restatement, dealing as it does with a highly controversial subject and expressing, as it also does, a point of view which is vigorously attacked by a not inconsiderable group of the profession, will undoubtedly arouse outspoken opposition. Some which has already appeared has been based largely on two grounds; first that the Restatement should not have been attempted at this time and second, that it was written by the wrong parties. As to the latter point this reviewer cannot pretend to be unbiased. As to the former, it must be conceded that there are numerous points, notably in connection with workmen's compensation and the proper scope of the public policy doctrine, at which the law is rapidly changing and is still unsettled. Also it appears possible that the Conflicts lamb and the Constitutional lion are about to lie down together with the lamb inside, in accordance with the old proverb. But it would seem that a unifying force is desirable even in unsettled fields and that though the subject of conflicts may in time become a part of constitutional law the body of rules which will be administered under that law will be much the same.

To say that this was a hard piece of work is unnecessary; to assert that it is a good piece of work is presumptuous. Nevertheless these two appear to be the salient facts which this survey has developed. Without greatly exceeding the limitations of a review little more can be suggested.

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