the state."[7] Surely, the modern student of elementary equity, whether in Missouri or elsewhere, ought not to be left with the antiquated property distinction of *Commonwealth v. McGovern*, untempered at least by the humorous but trenchant remarks of Judge Lamm:

> "Equity should not bother itself to pick and choose between the lot—make fish of one and fowl of the other—but treat them as it finds them, viz.: bound together in a bundle as members of one body, 'hail fellow, well met'—birds of a feather—voluntarily united in a joint violation of law in maintaining a public nuisance, and hence, not divided by that law for the purpose of injunctive restraint. * * * It is argued there is no precedent. If that were so, it ought not to avail anything. The day of making precedents is not passed. If there be no precedent, the time has come to make one."[8]

Equity writers in the future please note!

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CASES AND MATERIALS ON CONFLICT OF LAWS. By Elliott E. Cheatham, Noel T. Dowling, and Herbert E. Goodrich. Chicago: The Foundation Press, 1936. pp. xliv, 1148.

The jealous eagerness of virtually every law teacher for an increased allotment of classroom time to his particular course is perhaps equalled in intensity only by the imperialistic appetite of an expansionist nation. Certain it is that the appearance of this case book in Conflict of Laws has aggravated the desire of the present reviewer to have four or five hours for the presentation of the problems of this dynamic subject. Designed for use *in toto* in a longer course, the book includes materials of fundamental importance in the formation of basic theory which, in a three hour course, must be omitted or passed over briefly by the unsatisfactory lecture route. It is with deep regret that the reviewer finds that he must omit from his class agenda the consideration of such materials as those dealing with the civil law principles of jurisdiction and choice of law and with international law as a source of Conflicts rules.

Professors Cheatham, Dowling, and Goodrich have produced a source book in line with the current tendency to modify the case book method by the inclusion of textual material, particularly as a means of introduction to problems of complexity. The alteration of the case book style is not carried as far as in Professor Carnahan's original and well-edited *Cases and Materials on Conflict of Laws*, but the editors have recognized the importance of condensation. Certain cases are carefully edited and many are briefed to virtual shorthand statement of principle. The notes to the cases given in full are admirably done and serve the double function of providing supplementary material and of keeping before the student the relationship between various parts of the book.

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7. p. 203.
8. State ex rel. Crow v. Canty, l. c. 462.

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One of the signal merits of the collection is its presentation of the importance of the Constitution in the American law of Conflicts. Integration of the problems of Conflicts with those considered in courses in Constitutional Law is essential to a realistic approach to the subject. The excellence of the contribution of this case book in this respect is due undoubtedly to the collaboration of Professor Dowling.

The dynamic aspects of the law of Conflicts are kept in the foreground. Suggestions are made, in the words of the editors, "to encourage the student to regard many interstate and international transactions as malleable and to plan them for his future clients." There is a brief suggestion of the possibility of legislative planning to minimize the difficulties arising from interstate business, but the limitations of classroom time forbid an adequate presentation of this positive side of the subject. Enough of this aspect of Conflicts is given, however, to encourage the critical student to further individual research.

The cases are well chosen and include the latest decisions in point. The editors are in substantial agreement with Professor Lorenzen in their evaluation of important cases, and about one-third of the cases included are found also in Professor Lorenzen's collection.

Not an unimportant factor in the present reviewer's selection of this case book for classroom use was the excellence of its organization. Student time will be conserved by the detailed table of contents, which will serve to make unnecessary the expenditure of painstaking effort to construct a topical outline for review. As one recently active on the other side of the desk, the present reviewer recommends this practice to future casebook editors.

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