

HANDBOOK
OF THE
CONFLICT OF LAWS

By
HERBERT F. GOODRICH
Late Judge, United States Court of Appeals

FOURTH EDITION

By
EUGENE F. SCOLES
Professor of Law, University of Illinois

HORNBOOK SERIES

ST. PAUL, MINN.
WEST PUBLISHING CO.
1964

Copyright © 1927
by
WEST PUBLISHING CO

Copyright © 1938
by
WEST PUBLISHING CO

Copyright © 1949
by
WEST PUBLISHING CO.

Copyright © 1964
by
WEST PUBLISHING CO.
ALL rights reserved

Law School Publications of

WEST PUBLISHING COMPANY

St. Paul, Minnesota 55102

ACCOUNTING

Fiflis and Kripke's Accounting for Business Lawyers, 687 pages, 1971.

ADMINISTRATIVE LAW

Davis' Basic Text, about 700 pages, 1971.

Davis' Cases, Text and Problems, 2nd Ed., 609 pages, 1965.

ADMIRALTY

Healy and Currie's Cases and Materials on Admiralty, 872 pages, 1965.

AGENCY

Seavey and Hall's Cases, 431 pages, 1956.

Seavey's Studies, 451 pages, 1949.

Seavey's Text, 329 pages, 1964.

See Agency-Partnership.

AGENCY PARTNERSHIP

Seavey, Reuschlein & Hall's Cases, 599 pages, 1962.

Steffen's Cases, 3rd Ed., 733 pages, 1969.

BANKRUPTCY

MacLachlan's Text, 500 pages, 1956.

See Creditors' Rights.

BILLS AND NOTES

Aigler and Steinheimer's Cases, 670 pages, 1962.

Britton's Text, 2nd Ed., 794 pages, 1961.

See Commercial Transactions.

COMMERCIAL TRANSACTIONS

Speidel, Summers and White's Teaching Materials, 1144 pages, 1969.

COMMON LAW PLEADING

Koffler and Reppy on Common Law Pleading, 663 pages, 1969.

McBaine's Cases, Introduction to Civil Procedure, 399 pages, 1950.

Shipman's Text, 3rd Ed., 644 pages, 1923.

COMMUNITY PROPERTY

Burby's Cases, 4th Ed., 342 pages, 1955.

Huie's Texas Cases on Marital Property Rights, 681 pages, 1966.

Verrall and Sammis' Cases on California Community Property, 2nd Ed., 398 pages, 1971.

CONFLICT OF LAWS

Cramton and Currie's Cases—Comments—Questions, 915 pages, 1968.

Ehrenzweig's Text, 824 pages, 1962.

Ehrenzweig's Conflicts in a Nutshell, 2nd Ed., 392 pages, 1970.

Ehrenzweig and Louisell's Jurisdiction in a Nutshell, 2nd Ed., 315 pages, 1968.

Goodrich's Text, 4th Ed., 483 pages, 1964.

Scoles and Weintraub's Cases, 956 pages, 1967.

Selected Readings, 1151 pages, 1956.

Stumberg's Cases, 499 pages, 1956.

CONSTITUTIONAL LAW

Lockhart, Kamisar and Choper's Cases—Comments—Questions, 3rd Ed., 1,487 pages, 1970.

Lockhart, Kamisar and Choper's Cases and Materials on The American Constitution, 3rd Ed., 1970.

Lockhart, Kamisar and Choper's Annual Supplement.

Selected Essays, 971 pages, 1963.

See Constitutional Rights and Liberties.

CONSTITUTIONAL RIGHTS & LIBERTIES

Lockhart, Kamisar and Choper's Cases and Materials on Constitutional Rights and Liberties, 3rd Ed., 1970.

Lockhart, Kamisar and Choper's 1970 Supplement.

CONSUMER CREDIT

Kripke's Cases, 454 pages, 1970.

Young's Cases on Consumer Credit.

Pamphlet reprint from Dodyk, et al. Law and Poverty, 115 pages, 1969.

LAW SCHOOL PUBLICATIONS — Continued

CONTRACTS

- Calamari & Perillo's Text, 621 pages, 1970.
Corbin's Cases, 3rd Ed., 1381 pages, 1947. 1953 Supplement, 36 pages.
Corbin's Text, Student Edition, 1224 pages, 1952.
Fuller and Braucher's Cases, 907 pages, 1964.
Simpson's Cases, 592 pages, 1956.
Simpson's Text, 2nd Ed., 510 pages, 1965.

COPYRIGHT

- Nimmer's Cases on Copyright and Other Aspects of Law Pertaining to Literary, Musical and Artistic Works, about 877 pages, 1971.

CORPORATIONS

- Henn's Text, 2nd Ed., 956 pages, 1970.
Stevens and Henn's Statutes, Cases and Materials on Corporations and Other Business Enterprises, 1448 pages, 1965.
Stevens and Henn's Practice Projects Supplement, 81 pages, 1965.

CREDIT TRANSACTIONS

- Maxwell & Riesenfeld's California Cases on Security Transactions, 371 pages, 1957.
Maxwell & Riesenfeld's Supplement, 68 pages, 1963.

CREDITORS' RIGHTS

- Riesenfeld's Cases on Creditors' Remedies and Debtors' Protection, 669 pages, 1967.
Riesenfeld's Statutory Supplement, 1969.
Riesenfeld's Case Supplement, 1970.

CRIMINAL LAW

- Hall & Glueck's Cases, 2d Ed., 699 pages, 1958.
Miller's Text, 649 pages, 1934.
Stumberg's Texas Cases, 505 pages, 1954.
Stumberg and Maloney's Texas Cases Supplement, 117 pages, 1965.

CRIMINAL PROCEDURE

- Hall, Kamisar, LaFave and Israel's Materials on Modern Criminal Procedure, 3rd Ed., 1456 pages, 1969.
Hall, Kamisar, LaFave and Israel's Materials on Basic Criminal Procedure, 3rd Ed., 617 pages, 1969.
Hall, Kamisar, LaFave and Israel's Annual Criminal Procedure Supplement.
Israel and LaFave's Constitutional Criminal Procedure in a Nutshell, 423 pages, 1971.

DAMAGES

- Crane's Cases, 3rd Ed., 337 pages, 1955.
McCormick's Text, 811 pages, 1935.

DICTIONARIES

- Black's, one volume.
Bouvier's, two volumes.

DOMESTIC RELATIONS

- Clark's Cases, 870 pages, 1965.
Clark's Text, 754 pages, 1968.
Paulsen's Cases on Family Law and Poverty Pamphlet, reprint from Dodyk, et al. Law and Poverty, 266 pages, 1969.
See Juvenile Courts.

DRUGS AND DRUGGISTS

- Arthur's Text, 4th Ed., 399 pp., 1955.

ENGINEERING LAW

- Simpson & Dillavou's Text, 4th Ed., 506 pages, 1958.
Sweet's Legal Aspects of Architecture, Engineering and the Construction Process, 953 pages, 1970.

EQUITY

- Cook's Cases, 4th Ed., 1192 pp., 1948.
McClintock's Text, 2nd Ed., 643 pages, 1948.
Van Hecke's Cases on Equitable Remedies, 651 pages, 1959.
See Remedies.

EVIDENCE

- Cleary and Strong's Cases, 967 pages, 1969.
McCormick's Cases, 3rd Ed., 663 pages, 1956.
McCormick, Elliott & Sutton's Cases, 4th Ed., about 1100 pages, 1971.
McCormick's Text, 774 pages, 1954.
Rothstein's Evidence in a Nutshell, 406 pages, 1970.
Selected Writings, 1232 pages, 1957.

FEDERAL ANTI-TRUST LAWS

- Oppenheim's Cases on Robinson-Patman Act, Pamphlet, 295 pages, 1967.
Oppenheim and Weston's Cases, 3rd Ed., 952 pages, 1968.
Oppenheim and Weston's Supplement, 1970.

FEDERAL ESTATE AND GIFT TAXATION

- See Taxation.

FEDERAL INCOME TAXATION

- See Taxation.

LAW SCHOOL PUBLICATIONS — Continued

FEDERAL JURISDICTION AND PROCEDURE

- Currie's Cases on Federal Courts, 823 pages, 1968.
Ehrenzweig and Louisell's Jurisdiction in a Nutshell, 2nd Ed., 315 pages, 1968.
Forrester, Currier and Moye's Cases, 2nd Ed., 933 pages, 1970.
Wright's Text, 2nd Ed., 745 pages, 1970.

FUTURE INTERESTS

- Gulliver's Cases, 624 pages, 1959.
Powell's Cases, 3rd Ed., 1961.
Simes Text, 2nd Ed., 355 pages, 1966.
See Wills, Intestate Succession, Trusts, Gifts and Future Interests.

GRATUITOUS TRANSFERS

- See Wills.

HOUSING AND URBAN DEVELOPMENT

- Berger's Cases on Housing, Pamphlet reprint from Dodyk, et al. Law and Poverty, 277 pages, 1969.
Krasnowiecki's Cases, 697 pages, 1969.
Krasnowiecki's Statutory Supplement 1969.
See Land Use.

INSURANCE

- Keeton's Cases on Basic Insurance Law, 655 pages, 1960.
Keeton's Basic Text, 712 pages, 1971.
Keeton's Case Supplement to Keeton's Basic Text, 398 pages, 1971.
Keeton & Keeton's Compensation Systems, Pamphlet Reprint from Keeton & Keeton's Cases on Torts, about 82 pages, 1971.
Vance's Text, 3rd Ed., 1290 pages, 1951.

INTERNATIONAL BUSINESS

- Ebb's Cases, 885 pages, 1964.
Ebb's 1968 Supplement.

INTERNATIONAL LAW

- Friedmann, Lissitzyn and Pugh's Cases, 1,205 pages, 1969.

INTRODUCTION TO LAW

- Fryer and Orentlicher's Cases and Materials on Legal Method and Legal System, 1,043 pages, 1967.
Kimball's Historical Introduction to Legal System, 610 pages, 1966.
Kinyon's Introduction to Law Study and Law Examinations in a Nutshell, about 368 pages, 1971.
Smith's Cases on Development of Legal Institutions, 757 pages, 1965.
See Legal Method.

JURISPRUDENCE

- Wu's Cases, 719 pages, 1958.

JUVENILE COURTS

- Fox's The Law of Juvenile Courts in a Nutshell, 286 pages, 1971.

LABOR LAW

- Sovern's Cases on Racial Discrimination in Employment, Pamphlet reprint from Dodyk et al. Law and Poverty, 188 pages, 1969.

LAND USE

- Beuscher and Wright's Cases on Land Use, 788 pages, 1969.
Hagman's Text on Urban Planning and Land Development Control Law, about 542 pages, 1971.

LEGAL BIBLIOGRAPHY

- Cohen's Legal Research in a Nutshell, 2nd Ed., about 220 pages, 1971.
How To Find The Law, with Special Chapters on Legal Writing, 6th Ed., 313 pages, 1965.
How To Find The Law Student Problem Book.

LEGAL ETHICS

- Pirsig's Cases on Professional Responsibility, 2nd Ed., 447 pages, 1970.
Selected Readings Legal Profession, 565 pages, 1962.

LEGAL HISTORY

- Kimball's Historical Introduction to Legal System, 610 pages, 1966.
Radin's Text, 612 pages, 1936.
Smith's Cases on Development of Legal Institutions, 757 pages, 1965.

LEGAL INTERVIEWING AND COUNSELING

- Freeman's Cases, 253 pages, 1964.

LEGAL METHOD—LEGAL SYSTEM

- Fryer and Orentlicher's Cases & Materials, 1,043 pages, 1966.
See Introduction to Law.

LEGAL WRITING STYLE

- Weihsen's Text, 323 pages, 1961.
See Legal Bibliography.

LEGISLATION

- Nutting, Elliott and Dickerson's Cases 4th Ed., 631 pages, 1969.

LAW SCHOOL PUBLICATIONS — Continued

LOCAL GOVERNMENT LAW

Michelman and Sandalow's Materials on Government in Urban Areas, 1216 pages, 1970.

Stason and Kauper's Cases, 3rd Ed., 692 pages, 1959.

See Land Use.

MASS COMMUNICATION LAW

Gillmor and Barron's Cases and Comment, 853 pages, 1969.

MORTGAGES

Osborne's Cases Secured Transactions, 559 pages, 1967.

Osborne's Text, 2nd Ed., 805 pages, 1970.

MUNICIPAL CORPORATIONS

Michelman and Sandalow's Materials on Government in Urban Areas, 1216 pages, 1970.

Stason and Kauper's Cases, 3rd Ed., 692 pages, 1959.

See Local Government Law.

See Land Use.

NATURAL RESOURCES

Trelease, Bloomenthal and Geraud's Cases and Materials on Natural Resources, 1131 pages, 1965.

OFFICE PRACTICE

A.B.A. Lawyer's Handbook, 557 pages, 1962.

See Legal Interviewing and Counseling.

OIL AND GAS

Hemingway's Text, 486 pages, 1971.

Huie, Walker and Woodward's Cases, 848 pages, 1960.

See Natural Resources.

PARTNERSHIP

Crane and Bromberg's Text, 695 pages, 1968.

See Agency-Partnership.

PERSONAL PROPERTY

Aigler, Smith and Tefft's Cases on Property, 2 Vols., 1339 pages, 1960.

Bigelow's Cases, 3rd Ed., 587 pages, 1942.

Fryer's Readings, 3rd Ed., 1184 pages, 1938.

PLEADING AND PROCEDURE

Brown, Karlen, Meisenholder, Stevens, and Vestal's Cases and Materials on Procedure Before Trial, 784 pages, 1968.

PLEADING AND PROCEDURE—Cont'd

Cleary's Cases on Pleading, 2d Ed., 434 pages, 1958.

Cound, Friedenthal and Miller's Cases on Civil Procedure, 1075 pages, 1968.

Cound, Friedenthal and Miller's Cases on Pleading, Discovery and Joinder, 643 pages, 1968.

Cound, Friedenthal and Miller's Civil Procedure Supplement, 1970.

Ehrenzweig and Louisell's Jurisdiction in a Nutshell, 2nd Ed., 315 pages, 1968.

Elliott & Karlen's Cases, 441 pages, 1961.

Hodges, Jones and Elliott's Cases on Texas Trial and Appellate Procedure, 623 pages, 1965.

Hodges, Jones, Elliott and Thode's Texas Judicial Process Prior to Trial, 935 pages, 1966.

Karlen's Cases on Trials and Appeals, 436 pages, 1961.

Karlen and Joiner's Cases and Materials on Trials and Appeals, 536 pages, 1971.

McBaine's Cases, Introduction to Civil Procedure, 399 pages, 1950.

POVERTY LAW

Dodyk, Sovern, Berger, Young and Paulsen's Cases on Law and Poverty, 1,234 pages, 1969.

Dodyk's Cases on Income Maintenance, Pamphlet reprint from Dodyk, et al. Law and Poverty, 379 pages, 1969.

REAL PROPERTY

Aigler, Smith & Tefft's Cases on Property, 2 Vols., 1339 pages, 1960.

Berger's Cases on Housing, Pamphlet reprint from Dodyk, et al. Law and Poverty, 277 pages, 1969.

Browder, Cunningham & Julin's Basic Property Law, 1209 pages, 1966.

Burby's Text, 3rd Ed., 490 Pages, 1965.

Jacobs' Cases Landlord and Tenant, 2nd Ed., 815 pages, 1941.

Moynihan's Introduction, 254 pages, 1962.

Phipps' Titles in a Nutshell—The Calculus of Interests, 277 pages, 1968.

Smith and Boyer's Survey of the Law of Property, 2nd Ed., 510 pages, 1971.

See Housing and Urban Development.

LAW SCHOOL PUBLICATIONS — Continued

REMEDIES

- Cribbet's Cases on Judicial Remedies, 762 pages, 1954.
- Wright's Cases, 498 pages, 1955.
- York and Bauman's Cases, 1271 pages, 1967.

REVIEW MATERIALS

- Ballantine's Problems.
- Burby's Law Refreshers.
- Nutshell Series.
- Smith Reviews.

SALES

- Nordstrom's Text, 600 pages, 1970.
- Nordstrom and Lattin's Problems and Materials on Sales and Secured Transactions, 809 pages, 1968.
- See Commercial Transactions.

SECURED TRANSACTIONS

- See Commercial Transactions.
- See Sales.

SURETYSHIP AND GUARANTY

- Osborne's Cases, 221 pages, 1966.
- Simpson's Cases, 538 pages, 1942.

TAXATION

- Chommie's Text on Federal Income Taxation, 742 pages, 1968.
- Chommie's Supplement, 1970.
- Hellerstein's Cases on State and Local Taxation, 3rd Ed., 741 pages, 1969.
- Kragen & McNulty's Cases on Federal Income Taxation, 1,182 pages, 1970.
- Lowndes & Kramer's Text on Federal Estate and Gift Taxes, 2nd Ed., 951 pages, 1962.
- Rice's Problems and Materials in Federal Estate & Gift Taxation, 504 pages, 1966.
- Rice's Problems and Materials in Federal Income Taxation, 2nd Ed., about 502 pages, 1971.

TORTS

- Green, Pedrick, Rahl, Thode, Hawkins and Smith's Cases, 1311 pages, 1968.
- Green, Pedrick, Rahl, Thode, Hawkins and Smith's Cases on Injuries to Relations, 466 pages, 1968.

TORTS—Cont'd

- Keeton and Keeton's Cases, about 1176 pages, 1971.
- Prosser's Text, 4th Ed., 1208 pages, 1971.
- Seavey, Keeton and Keeton's Cases, 2nd Ed., 1055 pages, 1964.
- Seavey, Keeton and Keeton's Supplement, 1970.

TRADE REGULATION

- See Federal Anti-Trust Laws.
- See Unfair Trade Practices.

TRUSTS

- Bogert's Text, 4th Ed., 528 pages, 1963.
- Powell's Cases, Trusts and Wills, 639 pages, 1960.
- Smith's Survey, 167 pages, 1949.
- See Wills, Intestate Succession, Trusts, Gifts and Future Interests.

UNFAIR TRADE PRACTICES

- Oppenheim's Cases, 783 pages, 1965.
- Oppenheim and Weston's Supplement.
- Oppenheim's Robinson-Patman Act Pamphlet, 295 pages, 1967.

WATER LAW

- Trelease's Cases, 364 pages, 1967.

WILLS

- Atkinson's Text, 2nd Ed., 975 pages, 1953.
- Turrentine's Cases, 2nd Ed., 483 pages, 1962.
- See Wills, Intestate Succession, Trusts, Gifts and Future Interests.

WILLS, INTESTATE SUCCESSION, TRUSTS, GIFTS AND FUTURE INTERESTS

- Gulliver, Clark, Lusky and Murphy's Cases and Materials on Gratuitous Transfers: Wills, Intestate Succession, Trusts, Gifts and Future Interests, 1017 pages, 1967.

WORKMEN'S COMPENSATION

- Malone and Plant's Cases, 622 pages, 1963.

Editorial and Advisory Board

AMERICAN CASEBOOK SERIES

HORNBOOK SERIES

JESSE H. CHOPER

Professor of Law
University of California, Berkeley

DAVID P. CURRIE

Professor of Law
University of Chicago

YALE KAMISAR

Professor of Law
University of Michigan

ROBERT E. KEETON

Professor of Law
Harvard University

RICHARD C. MAXWELL

Professor of Law
University of California, Los Angeles

MICHAEL I. SOVERN

Dean and Professor of Law
Columbia University

CHARLES ALAN WRIGHT

Professor of Law
University of Texas

PREFACE TO THE FOURTH EDITION

The development of conflict of laws in the United States over the past fifty years, a matter of great interest to the legal profession, is traced in the successive editions of this Handbook by the late Judge Herbert F. Goodrich. This evolutionary process accelerated during the fifteen years since the third edition of this work and necessitated a revised edition. This edition is an attempt to depict the current status of this process.

Judge Goodrich contributed greatly to the growth in the field of conflict of laws as judge, scholar, and Director of the American Law Institute. An enthusiastic supporter of the Restatement, Judge Goodrich also recognized the many modifications time has brought to conflict of laws. Many of the significant recent changes in the patterns of choice of law, full faith and credit, and jurisdiction were anticipated in earlier editions of this Handbook.

While I bear full responsibility for this edition, the manuscript suffered from the want of Judge Goodrich's critical comments, for regretfully his premature death occurred early in our collaboration. The frank and ready exchange of views with this warm and genial person made changes in the prior edition easier during his lifetime than thereafter.

The organization of the Handbook follows that of the earlier edition. Most of the substantial variations in the subject matter that have occurred since the last edition are reflected in jurisdiction and the choice of law areas of torts and contracts. Other departures from prior editions have been made when indicated by recent authorities or by reappraisal of the policies relevant to the issues discussed.

An expression of appreciation must be made to the many persons whose assistance is reflected in this edition. The many students and colleagues whose ready comments and criticisms make this area of law so stimulating, the patient stenographers who ferreted meanings from illegible notes, all have made a contribution that cannot be measured. Of particular value was the help of Messrs. Ronald Klein and David M. Cohen, who served as research assistants during major portions of the revision.

EUGENE F. SCOLES
Champaign, Illinois

July, 1964

•

SUMMARY OF CONTENTS

Chapter	Page
1. Introduction and General Principles -----	1
2. Domicile -----	32
3. Taxation -----	62
4. Jurisdiction of Courts -----	101
5. Substance and Procedure -----	142
6. Tort Obligations -----	165
7. Contract Obligations -----	198
8. Marriage -----	226
9. Matrimonial Property -----	244
10. Divorce -----	255
11. Legitimation and Adoption -----	281
12. Property -----	293
13. Succession -----	323
14. Administration of Estates -----	348
15. Judgments -----	388
Table of Restatement Citations -----	415
Table of Cases -----	419
Index -----	461

•

TABLE OF CONTENTS

CHAPTER 1. INTRODUCTION AND GENERAL CONSIDERATIONS

Sec.	Page
1. Scope of Law Treated Herein	1
2. Development of Conflict of Laws Rules	3
3. Present Day Importance	4
4. Reason for Conflict of Laws Rules	4
5. Name of Subject	5
6. Conflict of Laws Theories	6
7. Comity	7
8. Nature of Conflict of Laws Rules	8
9. Characterization, Classification or Qualification	9
10. Renvoi	11
11. Public Policy of The Forum—Refusal to Enforce Foreign Based Claims	14
12. Penal Laws	18
13. No Judicial Machinery for Enforcement	20
14. Supreme Court Supervision of State Conflict of Laws Decisions ..	21
15. Conflict of Laws in the Federal Courts	24

CHAPTER 2. DOMICILE

16. Importance of Domicile	32
17. Meaning of Term "Domicile"	33
18. Domicile and Nationality—As Basis for Determining Personal Rights	34
19. Residence and Domicile—Contrasted Meaning of Terms	34
20. — Statutes	35
21. Law Determining Domicile	36
22. Domicile as a Jurisdictional Fact	36
23. Res Judicata Effect of a Finding of Domicile	38
24. Domicile of Origin—Significance	38
25. — Revival	39
26. Acquisition of Domicile of Choice	40
27. Necessity of Physical Presence	41
28. Intent Necessary to Establish Domicile	43
29. Intent and Motive	45

TABLE OF CONTENTS

CHAPTER 2. DOMICILE—Continued

Sec.		Page
30.	Freedom to Exercise Choice	45
31.	Area of Domicile	46
32.	Domicile in Foreign Country—Extraterritorial Jurisdiction	47
33.	Matrimonial Domicile	48
34.	Domicile of Married Woman—The Usual Situation	49
35.	Domicile upon Termination of Marriage	50
36.	Modifications of Rule That Married Woman's Domicile is That of Her Husband	51
37.	Domicile of Minor—Minor a Member of Father's Family	53
38.	Where Minor Does Not Take Father's Domicile	54
39.	Domicile of Child When Father Not Head of Family	56
40.	Domicile of Child—Parents Separated	57
41.	Domicile of Child—Guardianship	58
42.	Domicile of an Incompetent	59
43.	Domicile of Corporation	61

CHAPTER 3. TAXATION

44.	Jurisdiction to Tax: A Special Problem of Conflict of Laws as Well as Constitutional Law	62
45.	Tax on Persons—What Persons Liable	64
46.	—— Personal Obligation for Tax	64
47.	—— Measure of Amount of Tax	65
48.	Tax on Real Property	68
49.	Tax on Personal Property—Tangible Chattels	70
50.	—— Taxable Situs—Protection and Benefit	71
51.	—— Average in State	72
52.	—— Intangibles—Credits	77
53.	—— Business Situs and Commercial Domicile	77
54.	—— Corporate Stock	83
55.	—— Intangible Value of Business	85
56.	—— Property Held by Fiduciary	85
57.	Excise Tax—Scope of	87
58.	—— Corporations	88
59.	—— Domestic Corporations	88
60.	Inheritance Tax—Land	88
61.	—— Personal Property Taxation by State of Domicile of Decedent	92

TABLE OF CONTENTS

CHAPTER 3. TAXATION—Continued

Sec.		Page
62.	— Personal Property—Taxation at Situs	94
63.	— Choses in Action	95
64.	— Corporate Stock	95
65.	Income Tax	97
66.	Enforcement of Tax Claim Arising under Foreign Law	99

CHAPTER 4. JURISDICTION OF COURTS

67.	Meaning of Term Jurisdiction as Used Herein	101
68.	Jurisdiction in Rem—Where Exercisable	102
69.	— Notice of Suit	106
70.	Jurisdiction Quasi in Rem	107
71.	— Attachment and Garnishment	108
72.	Jurisdiction in Personam	112
73.	— Persons Subject to	114
74.	Jurisdiction Over Partnerships and other Unincorporated Associations	130
75.	Jurisdiction over Domestic Corporations	131
76.	Jurisdiction over Foreign Corporations	132
77.	Jurisdiction in Personam—When to Affect Matters Outside the State	136
78.	— Ordering Acts Abroad	138
79.	Limitations Upon the Exercise of Jurisdiction	140

CHAPTER 5. SUBSTANCE AND PROCEDURE

80.	Substance and Procedure—Significance of Distinction	142
81.	Law Determining Whether Question is One of Substance or Procedure	143
82.	Parties, Pleadings, etc.	144
83.	Proof of Foreign Law	146
84.	Evidence—Presumptions—Burden of Proof	149
85.	Statute of Limitations—In General	152
86.	Statute as Limitation on Right	153
87.	Title Acquired by Running of Statute	155
88.	Statute of Frauds	156
89.	Parol Evidence Rule	158
90.	Exemptions	159
91.	Measure of Damages	159

TABLE OF CONTENTS

CHAPTER 6. TORT OBLIGATIONS

Sec.	Page
92. Law Governing Liability	165
93. What State is "Most Significantly Related"	168
94. Law Determining Nature of Liability-Creating Conduct	172
95. Limitations Imposed by The Applicable Law	175
96. Where Claim for Foreign Tort May be Enforced	177
97. Conditions upon Enforcement of Foreign Based Claim	178
98. Vicarious Liability	181
99. Employer and Employee—Common Law Rule	184
100. — Workmen's Compensation	184
101. Survival of Actions	191
102. Death by Wrongful Act—Generally Applicable Law	192
103. — Where Action May be Brought	193
104. — Who Brings Action	194
105. — Amount and Distribution of Damages	196

CHAPTER 7. CONTRACT OBLIGATIONS

106. Enforcement of Contracts and Policy Dictates	198
107. Party Autonomy and The State of the Most Significant Relationship	202
108. Capacity to Contract	207
109. Formal Validity	210
110. Essential Validity of Contract	212
111. Law Applicable to Contracts—Usury Cases	216
112. Interpretation and Construction of Contracts	219
113. Assignment of Contracts	221
114. Performance of Contracts	222

CHAPTER 8. MARRIAGE

115. Analysis of Marriage as Problem in Conflict of Laws	226
116. Law Governing Marriage—General Rule	228
117. Effect of Prohibitions Imposed by Law of Domicile	232
118. Law Governing Marriage—Parties of Different Domiciles	238
119. Recognition of Valid Foreign Marriage	239
120. Limited Recognition of Unusual Marriages	240

TABLE OF CONTENTS

CHAPTER 9. MATRIMONIAL PROPERTY

Sec.		Page
121.	Nature of Question	244
122.	Immovables	245
123.	Movables Owned at Time of Marriage	248
124.	Movables Acquired Subsequent to Marriage	249
125.	Effect of Express Contract	252
126.	Debts ---	253

CHAPTER 10. DIVORCE

127.	Basis of Jurisdiction for Divorce	255
128.	Law Determining Grounds for Divorce	260
129.	Statutory Additions to Requirements for Jurisdiction	261
130.	Decree Rendered at Common Domicile	262
131.	Decree at Domicile of One Party	262
132.	Recognition of Decree Rendered at Separate Domicile	262
133.	Limited Divorce—Jurisdiction	266
134.	—— Recognition	267
135.	Annulment	268
136.	Custody of Children	271
137.	Effect of Divorce Decree on Dower	274
138.	Jurisdiction to Award Alimony	276
139.	Foreign Alimony Decrees and Alimony after Divorce	277

CHAPTER 11. LEGITIMATION AND ADOPTION

140.	Nature of Legitimation	281
141.	Law Governing Legitimation	281
142.	Inheritance by Legitimated Children—Land	285
143.	—— Personalty	285
144.	Inheritance without Legitimation	286
145.	Adoption—General Nature	287
146.	Jurisdiction to Adopt	288
147.	Inheritance by Adopted Children	290

CHAPTER 12. PROPERTY

148.	Interests in Land—General Rule	293
149.	Conveyances and Contracts	296
150.	Covenants of Title	297

TABLE OF CONTENTS

CHAPTER 12. PROPERTY—Continued

Sec.		Page
151.	Equitable Interests	299
152.	Incumbrances	301
153.	Tangible Movables—General Rule	303
154.	Contract and Conveyance	304
155.	Adverse Possession	307
156.	Property Brought into State without Owner's Consent	308
157.	Conditional Sales	309
158.	Chattel Mortgages	312
159.	Trusts	315
160-163.	Intangibles	319

CHAPTER 13. SUCCESSION

164.	Intestate Succession—Immovables	323
165.	—— Movables	324
166.	Testamentary Succession—Immovables	326
167.	Construction of Will Devising Land	330
168.	Testamentary Succession—Movables	332
169.	Revocation	337
170.	Election	338
171-174.	Probate	340
175-177.	Powers of Appointment	343

CHAPTER 14. ADMINISTRATION OF ESTATES

178.	Estates of Decedents—Place for Administration—General Rules	348
179.	Property Temporarily Present	349
180.	Property Brought in after Death of Owner	350
181.	Place of Administration of Intangibles	351
182.	Commercial Specialties	351
183.	Corporate Stock	351
184.	Life Insurance Policies	351
185.	Powers of Personal Representative Outside State of Appointment—Suits	357
186.	Other Acts Outside State of Appointment	357
187.	Payment to Foreign Representative	360
188.	Transfer of Claim by Administrator	362
189.	Suits not in Representative Capacity	363