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Conflict Of Laws—Choice of Court

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in *Garvin v. Garvin*.²⁸ The *Garvin* case was clear authority for the issuance of the injunction in *Hammer v. Hammer*, and was cited as such. It would appear that at least this portion of the New York law of divorce is now well settled.

Choice of Court

An employee of a large organization may find himself working at different times in different States. He may remain outside of his State of domicile or of employment for varying periods. When such an employee is injured on the job, what forum is to handle any claims which he might have against his employer? Such a problem was presented in *Craddock v. Hallen Co.*²⁹

Plaintiff, a resident of Pennsylvania, was employed as an apprentice steel-worker by a New York corporation. He was sent to Indiana, to remain there until the completion of a particular construction job. Sustaining personal injury, he sought workmen's compensation in New York, where an award was made and sustained on appeal to the Appellate Division.³⁰ The Court of Appeals, in disallowing the award, held that the New York Workmen's Compensation Board had no jurisdiction. The Court reasoned that such employment outside the State was not transitory or temporary but was at a fixed place; therefore, New York had but a remote concern with it.³¹

In this State, the solution to the above question is thus presented by a characterization of the work itself. The Court of Appeals has consistently withheld the State's facilities where the employment is, in any sense, "stationary"³²—distinguishing this type of work from that done by salesmen and others similarly situated.³³

Choice of Law

In conflict of laws, the "choice of law" contemplates the problems inherent in the determination of the particular local law applicable in a specific case. For example, when a testator de-

28. 302 N. Y. 96, 96 N. E. 2d 721 (1951).

29. 304 N. Y. 240, 107 N. E. 2d 11 (1952).

30. 279 App. Div. 679, 107 N. Y. S. 2d 874 (3rd Dep't 1951).

31. *Matter of Cameron v. Ellis Const. Co.*, 252 N. Y. 394, 169 N. E. 622 (1930).

32. *Matter of Roth v. A. C. Horn Co.*, 287 N. Y. 545, 38 N. E. 2d 221 (1941).

33. *Matter of Amaxis v. N. A. Vassilaros, Inc.*, 258 N. Y. 544, 180 N. E. 325 (1931); *Matter of Zeltoski v. Osborne Drilling Corp.*, 264 N. Y. 496, 191 N. E. 532 (1934).