February 1935

Masthead Volume 41, Issue 2

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol41/iss2/1

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact researchrepository@mail.wvu.edu.
SWIFT V. TYSON AND THE CONSTRUCTION OF STATE STATUTES

So much has been written for the law reviews about the doctrine of Swift v. Tyson\(^1\) that it has become a part of the etiquette of the business to explain oneself before adding to the overgrown literature of the subject.\(^2\) It is now nearly a century since this nationalistic\(^3\) doctrine was written into our case law. There has been some vacillation and even more confusion in its exposition but in the large it has steadily become more deeply entrenched and more widely applied in the teeth of the persistent and highly crit-

\(^1\) 16 Pet. 1, 10 L. Ed. 865 (1842).
\(^2\) Notice the first paragraph in Rand, Swift v. Tyson versus Gelpcke v. Dubuque (1895) 8 HARV. L. REV. 328.
\(^3\) See Waterman, The Nationalism of Swift v. Tyson (1933) 11 N. C. L. REV. 125.