

WASHINGTON UNIVERSITY LAW QUARTERLY

Edited by the Undergraduates of Washington University School of Law,
St. Louis. Published in December, February, April, and June at
Washington University, St. Louis, Mo.

Subscription Price \$2.50 per Annum. Single copies, 75 cents.
Back numbers, \$1.00.

A subscriber desiring to discontinue his subscription should send notice to
that effect. In the absence of such notice, the subscription will be continued.

THE BOARD OF EDITORS

EDWIN M. SCHAEFER, JR., *Editor-in-Chief*

JULIUS M. FRIEDRICH, *Associate Editor*

MILTON H. ARONSON, *Note Editor* AARON HOTCHNER, *Comment Editor*

STERLING F. TREMAYNE, *Business Manager*

STAFF

PAXTON ACKERMAN
THEODORE BARON
LEONARD BUCKSTEIN
MELVIN COHEN

VALETA KERN
DON LORENZ
L. EDWIN MANION

WILLIAM NEWMAN
WILLIAM PETTUS
STANLEY SCHUCHAT
WAYNE WRIGHT

FACULTY COMMITTEE

A faculty committee is assisting in the editing of the twenty-fifth
anniversary volume.

ADVISORY BOARD

M. L. STEWART, *Chairman*

R. L. ARONSON
F. P. ASCHMEYER
G. A. BUDER, JR.
R. S. BULL
R. W. CHUBB
J. M. DOUGLAS
S. ELSON
W. FREEDMAN

A. GARLAND
J. J. GRAVELY
J. GROSS
A. M. HOENNY
H. W. JONES
F. L. KUELMANN
T. LEWIN
A. E. MARGOLIN

R. B. SNOW, *Secretary*

F. E. MATHEWS
D. L. MILLAR
R. R. NEUHOFF
N. PARKER
C. B. PEPPER
G. W. SIMPKINS
K. P. SPENCER
E. SUSMAN

EDITORIAL NOTES

THE SCHOOL OF LAW

The enrollment of the Law School for the academic year 1939-
1940 is approximately the same as that of last year with a total
of 165 students. The freshman class of fifty-one includes eighteen
students who entered on the new four year plan.

Dr. E. E. Hilpert, A.B., M.A., LL.B., J.S.D., has been appointed Associate Professor of Law. He will teach the courses in Constitutional Law which were formerly taught by Dean Isidor Loeb. Before entering the legal profession, Dr. Hilpert taught advance courses in Political Science at Western Reserve University. During 1936-37 he was a Sterling Fellow in the Graduate School of Yale University.

Mr. Frederick Reed Dickerson, A.B., LL.B., LL.M., has been appointed Assistant Professor of Law for 1939-40. Upon graduating from Harvard he engaged in the active practice of law for four years and last year did graduate work at Columbia University Law School. He will teach courses in Family Law, Sales, Wills, and Municipal Corporations.

NOTES

JURISDICTION IN PERSONAM OVER NON-RESIDENT INDIVIDUALS THROUGH SERVICE ON A LOCAL AGENT*

On the continent of Europe the rule is almost universally followed that when a non-resident foreigner has become a party to dealings in a country wherein a resident claimant seeks to secure jurisdiction, the absent defendant is amenable to suit in that country on a cause of action arising out of his transaction there.¹ That phase of jurisdiction, which in American law is

* This treatise was awarded the Mary Hitchcock Thesis Prize for 1939.

1. Beale, *The Jurisdiction of Courts over Foreigners* (1913) 26 *Harv. L. Rev.* 193, 203, in speaking of causes of actions against non-residents arising within the country, said: "But in spite of an occasional objection it is clear that today, not only in Belgium and France, but in Germany as well, as von Bar has shown, actions may be brought without regard to the presence of the defendant. von Bar, *International Law*, sec. 423, 424."

Sunderland, *The Problem of Jurisdiction* (1926) 4 *Texas L. Rev.* 429, 442, in speaking of service out of the country on a non-resident defendant against whom an action has arisen within the country, said: "This theory of jurisdiction over foreigners who become involved in domestic transactions is almost universal among European Nations. Piggott, *Foreign Judgments*, c. 13."

The Rules of Order of the Supreme Court of England provide in Order XI, rule 1:

Service out of the jurisdiction of a writ of summons or notice of a writ of summons may be allowed by the Court or a Judge whenever—

e. The action is one brought against a defendant not domiciled or ordinarily resident in Scotland to enforce, rescind, dissolve, annul or otherwise affect a contract or to recover damages or other relief for or in respect of the breach of a contract.