

the Court: "It is regrettable that Sweden may thus escape payment of a valid judgment against it." G. E. S., '31.

SERVICE OF PROCESS—EXEMPTIONS—NON-RESIDENT ATTORNEYS.—Following a suit brought by judgment creditors in a Federal district court in Mississippi to set aside certain fraudulent made by a debtor to his wife, one Lamb, a citizen of Illinois, was cited to show cause why he should not be punished for contempt of the Mississippi Federal court in receiving money which, it was claimed, was paid to him in the guise of legal fees, but which in fact belonged to the judgment creditor. An ancillary proceeding was filed by the receiver appointed in the original suit to recover this money as trust funds, service being had upon Lamb while he was in the district defending his client. *Held*, defendant non-resident attorney is exempt from service of civil process while in attendance upon court and during a reasonable time in coming and going. *Schmitt v. Lamb* (D. C. N. D. Miss. 1930) 43 F. (2d) 770.

The court's ruling is in accord with the general common law doctrine followed in practically all jurisdictions today. *Page v. Macdonald* (1922) 261 U. S. 446; *Read v. Neff* (D. C. Iowa 1913) 207 F. 890; *Williams v. Hatchet* (1913) 95 S. C. 49, 78 S. E. 615. However, there are some cases which hold to the contrary on the ground that any other holding would allow non-resident attorneys to practice in the state with immunity from process of the courts of that state. *Kutner v. Hodnett* (1908) 50 Misc. 21, 109 N. Y. S. 1068.

The doctrine of the immunity of non-resident witnesses and attorneys from service of civil process was established for the benefit of litigants. The principle is well founded, for otherwise witnesses would refuse to come into states in which they feared process. Furthermore, a litigant has the right to choose any attorney that he wishes to defend him. If the attorney chosen refuses to come into the state because of fear of civil action against him, the right of the litigant to universal choice of an attorney is unduly limited. The generally accepted rule allowing witnesses and attorneys immunity within a reasonable time for coming and going seems logical, for otherwise the privilege would be useless. *Greenleaf v. People's Bank of Buffalo* (1903) 133 N. C. 292, 45 S. E. 638.

But in cases under which this doctrine arose the actions under which the civil processes were sought had no relation to the suit of the litigant. However, in the instant case the suit against the non-resident attorney arose as the result of the same subject of action as was prosecuted against his client. The suit against the attorney, if successful, would have resulted only in gaining the same end sought in the suit against his client. Therefore this situation seems to be a logical exception to the general rule.

M. E. S., '31.

STATUTES—CONSTRUCTION—AIRPLANE AS VEHICLE UNDER NATIONAL MOTOR VEHICLE THEFT ACT.—Defendant was convicted under the National