

Am. Dec. 689. But authority conferred upon plaintiff by bond to confess judgment is not sufficient unless strictly followed: *Grover v. Radcliffe*, 137 U.S. 287.

An exception exists in the case of a foreigner resident within the jurisdiction, against whom a valid and enforceable judgment may be secured upon service which would not be sufficient in the case of a non-resident foreigner. This doctrine cannot yet be said to be generally settled in the United States, although approved in a few cases: *Hunt v. Hunt*, 72 N.Y. 218 (as to status in divorce); *Cassidy v. Leech*, 53 How. 108; *Huntley v. Baker*, 33 Hun 578; *Shepard v. Wright*, 35 Hun 445; *Burton v. Burton*, 45 Hun 70; *Demeli v. Demeli*, 120 N.Y. 495; *Rigney v. Rigney*, 127 N.Y. 413. The latest case is *Ouseley v. Lehigh Valley Trust Co.*, 84 Fed. Rep. 602 (1897). The person sought to be charged with the judgment must have been a resident subject or citizen of the country at the time the proceedings were taken, although then absent; and such proceedings must be strictly in conformity with the law of the domicile. The principle is adopted from English law, following *Douglas v. Forrest*, 4 Bing. 686; *Becquet v. McCarthy*, 2 Barn. & Ad. 951; and the more recent cases, *Bank of Australia v. Nias*, 16 Q.B. 717; *Bank of Australia v. Harding*, 9 C.B. 661; *Copin v. Anderson*, L.R. 9 Ex. 345; *Schisby v. Westenholz*, L.R. 6 Q.B. 155. Jurisdiction may be acquired over an absent foreign defendant by his consent, testified by his general appearance in the action. Such voluntary submission will confer jurisdiction over the person, although jurisdiction of the subject matter cannot be conferred. A general appearance is always held equivalent to personal service of process; *Jones v. Jones*, 108 N.Y. 425. But an appearance may be so limited as to confer no jurisdiction; *Ogdensburg v. Vermont*, 16 Abb. Pr. 249; *Graham v. Spencer*, 14 Fed. Rep. 603. If objection to the jurisdiction is promptly made, the fact that it is overruled and that defendant answers over and goes to trial upon the merits will not work to his prejudice: *Steamship Co. v. Ferguson*, 106 U.S. 118, overruling *Hubbard v. American Ins. Co.*, 70 Fed. Rep. 808. A Court cannot acquire jurisdiction over a person by deciding that it has jurisdiction. Nor will an appeal from the Court of first instance be deemed a waiver of the objection: *Matthews v. Tufts*, 87 N.Y. 568. The acceptance of a copy of a subpoena outside the State, accompanied by a written and signed admission by defendant of "due personal service" of a subpoena to answer has been held