

## SELECTIONS.

at a loss ; for the authorized scales of costs are so arranged as to discourage this attempt at independence. Such a solicitor can get but a wretched fee for his own work, while if he employs counsel, he can pay him well, and also run up a neat little bill for himself. We doubt not but that a time will come when, all this old-world nonsense being swept away, the lawyer will be one man complete in himself, and not, as at present, two people chained together by an absurd custom, and compelled, for their own profit, to make as much as they can out of their unhappy clients.—*Albany Law Journal*.

In *Shepard v. Wright*, New York Supreme Court, June, 1880, it was held by Von Vorst, J., that a judgment recovered in Canada against a person residing in this State, without the service of process in Canada or appearance by the defendant, will not support an action in this State, although the defendant may have been a citizen of Canada, and although a copy of the bill of complaint was served on the defendant in this State, which according to the laws of Canada gave the court of that country jurisdiction to render judgment there. The court observed "But the learned counsel for the plaintiff urges that the service upon the defendant at Chautauqua county of a copy of the bill of complaint, under the laws of Canada, gave the court jurisdiction of the person of the defendant. I cannot agree with him in such contention. No sovereignty can extend its powers beyond its own territorial limits to subject either person or property to its judicial decision. Every exercise of authority of this sort, beyond this limit is a nullity. Story on Conflict of the Laws, § 539. The jurisdiction of State courts is limited by State lines. *Ewer v. Coffin*, 1 Cush. 23. This last case states that 'upon principle it is difficult to see how an order of a court, served upon a party out of the State in which it is issued, can have any greater effect than knowledge brought home to the party in any other way.' A citizen of one State or country cannot be compelled to go into another State or country to litigate a civil action by means of process served in his own State or country. And a

judgment obtained upon such service, where no appearance is made by the person so served, can impose no personal liability which will be recognised beyond the State in which the action originated. Freeman on Judgments, §§ 564, 567. In *Holmes v. Holmes*, 4 Lans. 392, it is held that in order that the court have jurisdiction of the person of the defendant, it is necessary that the defendant be served with the process of the court, or voluntarily appear in the action, and 'that such service of process can only be made within the territorial jurisdiction of the court.' *Dunn v. Dunn*, 4 Paige, 423 ; *Ex parte Green v. Onondaga Com. Pleas*, 10 Wend. 592 ; *Fogler v. Columbia Ins. Co.*, 99 Mass. 267." "The comity due to the courts of other countries is urged as a ground for a recovery here upon this judgment. The courts of this State do recognise foreign judgments as binding here, when the record shows that the courts rendering a judgment had jurisdiction of the subject and of the person of the defendant, and give full credit to such judgments by refusing to retry the matters when once determined in an action where the foreign courts had acquired such jurisdiction. We go no further with respect to judgments of a sister State." The same doctrine was held by the Supreme Court of Michigan, on a very careful and extended examination, in *McEwan v. Zimmer*, 38 Mich. 765 ; S. C., 31 Am. Rep. 332.—*Albany Law Journal*.

In *Armstrong v. Kleinhans*, Louisville Chancery Court, 1 Ky. L. Rep. 112, the plaintiff carried on the clothing business at 150 West Market street, Louisville, in a leased building with an observatory, which was called the "Tower Palace," and advertised his business under that name by signs and publications. Subsequently he removed to West Jefferson street, to a building with no tower or observatory, and continued the designation "Tower Palace." After his removal the owner of the first premises himself carried on the carpet business there under, under the name of "Tower Palace Carpet Store." Later he rented the premises to defendants, who carried on the clothing business, under the designation, "Tower Palace." The