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Editorial Notes

The Editors

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IMPORTANT NOTICE

The ST. LOUIS LAW REVIEW is desirous of obtaining certain back numbers of its publication. It will pay \$1.50 for any number in the first seven volumes except Vol. IV, No. 4, and Vol. VI, No. 3, and \$1.25 for any of the following numbers: Vol. IX, Nos. 1 and 2, and Vol. XI, No. 1.

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Notes

CONTRIBUTORS TO THIS ISSUE

HARRY W. KROEGER, who contributes the article on **CONSTITUTIONAL LIMITATIONS OF STATE JURISDICTION OVER PROPERTY FOR SUCCESSION TAX PURPOSES**, is a graduate of the School of Law and a member of the St. Louis Bar. He contributed an article on **THE JURISDICTION OF COURTS OF EQUITY TO ADMINISTER INSOLVENTS' ESTATES, CONSIDERED IN RELATION TO HISTORICAL ANTECEDENTS**, in the February, 1924, issue of the Law Review.

JOHN J. GEORGE, who writes on **STATE REGULATION OF INTERSTATE MOTOR CARRIERS**, is a member of the Faculty of History and Political Science at Converse College, Spartanburg, South Carolina.

RALPH R. NEUHOFF, author of the article on **MISSOURI PROPERTY TAXES AND THE MERCHANTS' AND MANUFACTURERS' LICENSE**, is a alumnus of the School of Law and a member of the St. Louis Bar. He was formerly Special Lecturer on Taxation in the Law School.

CHANCELLOR GEORGE REEVES THROOP

In December last, Dr. George Reeves Throop was declared to be the unanimous choice of the Board of Directors of Washington University for the office of Chancellor to succeed the late Herbert Spencer Hadley.

To the School of Law his selection is a matter of deep significance, for he brings to his office not only a vast experience in the problems of university administration, but also a sympathetic understanding of the peculiar problems confronting the School of Law.

Dr. Throop's attitude is well exemplified in the first public statement issued after the announcement of his election: "The university is in a better position now to expand and develop its professional schools. We have been unable to do this in the past as rapidly as we desired. I have in mind the School of Law as an example. It will be our aim to develop this branch into a unit that will turn out the highest type of lawyers with fundamental knowledge and training."

SAMUEL BRECKENRIDGE NOTE PRIZE AWARDS

The Samuel Breckenridge Law Review Note Prize of fifteen dollars for the best note in the final number of Volume XIII has been awarded to Joseph Nessenfeld for his note on "Removability Where Resident Co-Defendant Is Not Served."

The additional Samuel Breckenridge Prize of ten dollars for the best note in Volume XIII has been awarded to Abraham E. Margolin for his note on "Liability of Employer Under Workmen's Compensation Act for Accidents Sustained by Employee on Way to or From Work," which was adjudged best in the first issue and awarded the prize for that issue.

The notes in Volume XIII were judged by a special committee, consisting of Messrs. Ralph R. Neuhoﬀ, John M. Holmes, and Harry W. Kroeger, who are also members of the Law Review Advisory Committee.

 JURISDICTION IN ACTIONS IN REM AND IN PERSONAM

Suppose Mr. Jones, who is a resident of Illinois, has broken a contract giving Mr. Smith a right of action. The latter is a resident of Missouri; but, because Jones has no property in that state and because he remains in Illinois, Smith's right of action is worthless unless he cross over into Illinois and sue there. Such is the result of the rules of law today. That there is no logical reason for this rule is the fact which this note seeks to establish.*

It is necessary that the present law be given in order to make comprehensible the fact that in the above situation Smith's right is without a remedy in Missouri.

In law there are two general classes of actions and judgments, *i. e.*, *in personam* and *in rem*. Another form of action has been designated as an action *quasi in rem*, but this in theory comes under the other classes, and it will be considered later. An action *in personam* is one the judgment of which in form as well as in substance, affects the interests of the parties.¹ It is, as one court phrases it, against a person, founded on the defendant's liability.² The judgment binds only the parties litigant. There

* There are a number of considerations which this note will not treat. Such problems as due process, the divorce question, etc., are specific impediments in the path of the plan to be suggested in the note. For example, it would entail a complete reconstruction of the present conception of due process. The author's intention is to present some of the bases for his view, and not to treat of detail; that would necessitate a volume, at least.

¹ *Hine v. Hussey* (1871), 45 Ala. 496, 515; *Allen v. Morris* (1870), 34 N. J. L. 159, 162; *Woodruff v. Taylor* (1847), 20 Vt. 65, 73; *Stiller v. Atchison R. Co.* (1912), 34 Okla. 45, 124 P. 545, 598.

² *Gassert v. Strong* (1908), 38 Mont. 18, 33.