instance, with the advent of the automobile, States were permitted to engage in the fiction that the use of their highways was conditioned upon the consent of drivers to be sued in state courts for accidents or other transactions arising out of such use. Thus, a state could designate a state official as a proper person to receive service of process in such litigation, and establishing jurisdiction required only that the official receiving notice communicate it to the person sued.[864]

Although the Court approved of the legal fiction that such jurisdiction arose out of consent, the basis for jurisdiction was really the state's power to regulate acts done in the state that were dangerous to life or property.[865] Because the state did not really have the ability to prevent nonresidents from doing business in their state,[866] this extension was necessary in order to permit states to assume jurisdiction over individuals "doing business" within the state. Thus, the Court soon recognized that "doing business" within a state was itself a sufficient basis for jurisdiction over a nonresident individual, at least where the business done was exceptional enough to create a strong state interest in regulation, and service could be effectuated within the state on an agent appointed to carry out the business.[867]

The culmination of this trend, established in *International Shoe Co. v. Washington*,[868] was the requirement that there be "minimum contacts" with the state in question in order to establish jurisdiction. The outer limit of this test is illustrated by *Kulko v. Superior Court*,[869] in which the Court held that California could not obtain personal jurisdiction over a New York resident whose sole relevant contact with the state was to send his daughter to live with her mother in California.[870] The argument was made that the father had "caused an effect" in the state by availing himself of the benefits and protections of California's laws and by deriving an economic benefit in the lessened expense of maintaining the daughter

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court proceedings and he loses, it is within the power of a state to require that he submit to the jurisdiction of the court to determine the merits. York v. Texas, 137 U.S. 15 (1890); Kauffman v. Wootters, 138 U.S. 285 (1891); Western Life Indemnity Co. v. Rupp, 235 U.S. 261 (1914).

[864] Hess v. Pawloski, 274 U.S. 352 (1927); Wuchter v. Pizzutti, 276 U.S. 13 (1928); Olberding v. Illinois Cent. R.R., 346 U.S. 338, 341 (1953).

[865] Hess v. Pawloski, 274 U.S. 352, 356–57 (1927).

[866] 274 U.S. at 355. *See* Flexner v. Farson, 248 U.S. 289, 293 (1919).

[867] Henry L. Doherty & Co. v. Goodman, 294 U.S. 623 (1935).

[868] 326 U.S. 310, 316 (1945).

[869] 436 U.S. 84 (1978).

[870] Kulko had visited the state twice, seven and six years respectively before initiation of the present action, his marriage occurring in California on the second visit, but neither the visits nor the marriage was sufficient or relevant to jurisdiction. 436 U.S. at 92–93.