

## Sec. 1—Full Faith and Credit

confer jurisdiction over the corporation,<sup>40</sup> that the question whether the corporation was actually “doing business” in the state may be raised.<sup>41</sup> On the other hand, the fact that the business was interstate is no objection.<sup>42</sup>

**Service on Nonresident Motor Vehicle Owners.**—By analogy to the above cases, it has been held that a state may require nonresident owners of motor vehicles to designate an official within the state as an agent upon whom process may be served in any legal proceedings growing out of their operation of a motor vehicle within the state.<sup>43</sup> Although these cases arose under the Fourteenth Amendment alone, unquestionably a judgment validly obtained upon this species of service could be enforced upon the owner of a car through the courts of his home state.

**Judgments in Rem.**—In sustaining the challenge to jurisdiction in cases involving judgments *in personam*, the Court in the main was making only a somewhat more extended application of recognized principles. In order to sustain the same kind of challenge in cases involving judgments *in rem* it has had to make law outright. The leading case is *Thompson v. Whitman*.<sup>44</sup> Thompson, sheriff of Monmouth County, New Jersey, acting under a New Jersey statute, had seized a sloop belonging to Whitman and by a proceeding *in rem* had obtained its condemnation and forfeiture in a local court. Later, Whitman, a citizen of New York, brought an action for trespass against Thompson in the United States Circuit Court for the Southern District of New York, and Thompson answered by producing a record of the proceedings before the New Jersey tribunal. Whitman thereupon set up the contention that the New Jersey court had acted without jurisdiction, inasmuch as the sloop which was the subject matter of the proceedings had been seized outside the county to which, by the statute under which it had acted, its jurisdiction was confined.

As previously explained, the plea of lack of privity cannot be set up in defense in a sister state against a judgment *in rem*. In a proceeding *in rem*, however, the presence of the *res* within the court's jurisdiction is a prerequisite, and this, it was urged, had not been the case in *Thompson v. Whitman*. Could, then, the Court consider this challenge with respect to a judgment which was offered, not as

<sup>40</sup> *Goldey v. Morning News*, 156 U.S. 518 (1895); *Riverside Mills v. Menefee*, 237 U.S. 189 (1915).

<sup>41</sup> *International Harvester v. Kentucky*, 234 U.S. 579 (1914); *Riverside Mills v. Menefee*, 237 U.S. 189 (1915).

<sup>42</sup> *International Harvester v. Kentucky*, 234 U.S. 579 (1914).

<sup>43</sup> *Kane v. New Jersey*, 242 U.S. 160 (1916); *Hess v. Pawloski*, 274 U.S. 352 (1927), limited in *Wuchter v. Pizzutti*, 276 U.S. 13 (1928).

<sup>44</sup> 85 U.S. (18 Wall.) 457 (1874).