by publication.[922] The judgement was then satisfied from the property attached, and if the attached property was insufficient to satisfy the claim, the plaintiff could go no further.[923]

This form of proceeding raised many questions. Of course, there were always instances in which it was fair to subject a person to suit on his property located in the forum state, such as where the property was related to the matter sued over.[924] In others, the question was more disputed, as in the famous New York Court of Appeals case of *Seider v. Roth*,[925] in which the property subject to attachment was the contractual obligation of the defendant's insurance company to defend and pay the judgment. But, in *Harris v. Balk*,[926] the facts of the case and the establishment of jurisdiction through *quasi in rem* proceedings raised the issue of fairness and territoriality. The claimant was a Maryland resident who was owed a debt by Balk, a North Carolina resident. The Marylander ascertained, apparently adventitiously, that Harris, a North Carolina resident who owed Balk an amount of money, was passing through Maryland, and the Marylander attached this debt. Balk had no notice of the action and a default judgment was entered, after which Harris paid over the judgment to the Marylander. When Balk later sued Harris in North Carolina to recover on his debt, Harris argued that he had been relieved of any further obligation by satisfying the judgment in Maryland, and the Supreme Court sustained his defense, ruling that jurisdiction had been properly obtained and the Maryland judgment was thus valid.[927]

Subsequently, *Harris v. Balk* was overruled by *Shaffer v. Heitner*,[928] in which the Court rejected the Delaware state court's

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[922] The theory was that property is always in possession of an owner, and that seizure of the property will inform him. This theory of notice was disavowed sooner than the theory of jurisdiction. See "Actions in Rem: Proceedings Against Property", *supra*.

[923] Other, *quasi in rem* actions, which are directed against persons, but ultimately have property as the subject matter, such as probate, Goodrich v. Ferris, 214 U.S. 71, 80 (1909), and garnishment of foreign attachment proceedings, Pennington v. Fourth Nat'l Bank, 243 U.S. 269, 271 (1917); Harris v. Balk, 198 U.S. 215 (1905), might also be prosecuted to conclusion without requiring the presence of all parties in interest. The jurisdictional requirements for rendering a valid divorce decree are considered under the Full Faith and Credit Clause, Art. I, § 1.

[924] Atkinson v. Superior Court, 49 Cal. 2d 338, 316 P. 2d 960 (1957), *appeal dismissed*, 357 U.S. 569 (1958) (debt seized in California was owed to a New Yorker, but it had arisen out of transactions in California involving the New Yorker and the California plaintiff).

[925] 17 N.Y. 2d 111, 269 N.Y.S. 2d 99, 216 N.E. 2d 312 (1966).

[926] 198 U.S. 215 (1905).

[927] *Compare* New York Life Ins. Co. v. Dunlevy, 241 U.S. 518 (1916) (action purportedly against property within state, proceeds of an insurance policy, was really an *in personam* action against claimant and, claimant not having been served, the judgment is void). *But see* Western Union Tel. Co. v. Pennsylvania, 368 U.S. 71 (1961).

[928] 433 U.S. 186 (1977).