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The Use of the Restatement

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survey are requested to write to the Institute for the Study of Law of their work, and to suggest names of others whose work they believe should be included. As the report is to be completed in June, an early reply is needed."

—Ed.

THE USE OF THE RESTATEMENT

That the Restatement can be used to good advantage is illustrated by the recent case of *Winslow Lumber Co. v. Edward Hines Lumber Co.*, 125 Or. 63, 266 Pac. 248. Unfortunately, the case is also an illustration of how it cannot be used. The problem involved was as to whether or not the courts of this state had jurisdiction over a foreign corporation, in a suit brought by another foreign corporation upon a cause of action arising in another state. The defendant claimed to be engaged solely in interstate commerce in Oregon; it had not complied with the foreign corporation statutes of the state and consequently it had not expressly consented to jurisdiction. The court cites Section 71, 72 and 182 of the Restatement, Conflict of Laws, as authority for the proposition that the state could not force compliance with the statutes if the defendant were in fact not engaged in intrastate business. This was on a collateral issue, and on the main issue, i. e., the jurisdiction of a state over a foreign corporation, the court makes no reference to the Restatement. The subject is covered by Sections 93-98, Restatement, Conflict of Laws. Section 97 specifically covers the point involved, and it is directly contrary to the decision reached by the court. It says: "A state can exercise through its courts jurisdiction over a foreign corporation doing business within the state at the time of the service of process, as to causes of action arising out of the business done within the state." The comment in the Restatement discloses that the result is the same whether the business done be interstate or local. All of the cases bearing on the point are collected and discussed in Commentaries on Conflict of Laws, Restatement No. 2, pp. 23-26.

—B. C. G.