

which provided that, where joint debtors were sued and one was brought into Court on process, the latter should answer to the plaintiff, and if the plaintiff had judgment against him, the judgment and execution thereon might be had not only against the party brought into Court, but also against the other joint debtors named in the original process, in the same manner as if they had all been brought into Court by virtue of such process; but it should not be lawful to issue any such execution against the body or against the sole property of any person not brought into Court. The matter came before the Supreme Court of the United States in error to the Louisiana Court. The effect of the statute was declared to be that in New York the judgment was valid and binding on an absent defendant as prima facie evidence of the debt, but reserved to him the right to enter into the merits when sued upon it and show that he ought not to have been charged; but that the New York judgment had no force or vigor beyond the local jurisdiction.

In *Goldy v. Morning News*, 156 U.S. 518, the Supreme Court again comment upon *D'Arcey v. Ketchum* and upon the subsequent case of *Hall v. Lansing*, 91 U.S. 160, and affirm the view that a judgment rendered in one State against two partners jointly after notice served upon one of them only under a statute of the State which provides that such service shall be sufficient to authorize a judgment against both, is of no force or effect in a Court of another State or in a Court of the United States against the partner who was not served with process. But in *Chesley v. Morton*, 9 App. Div. Rep. (N.Y.) 416, it was held that, while such an action was not maintainable as an action of debt, yet it might be maintained where the prayer was for a receiver and there was an allegation of partnership assets within the jurisdiction.

Prior to the decision of *Hilton v. Guyott*, 159 U.S. 113, in 1895, it was the settled law of the State of New York, and of other States, that a foreign judgment is conclusive upon the merits, and can be impeached only by proof that the Courts rendering it had no jurisdiction of the subject matter or of the person of the defendant, or that it was procured by fraud; *Dunstan v. Higgins*, 138 N.Y. 74. In the former case, however, the Supreme Court of the United States, by a divided bench, held that a United States Court may enquire into the merits of and may refuse to enforce the decisions of the tribunals of a country which itself refuses to