

Constitution, however, requiring that full faith and credit shall be accorded by each State to the judicial proceedings of every other State, establish a difference between suits brought upon them and suits brought upon judgments or adjudications of the tribunals of foreign countries; for with regard to the latter their recognition and enforcement by American Courts are based upon principles of international comity alone. The remarks which follow are confined to a brief consideration of cases bearing upon the action to enforce, in an American Court, a foreign (not American) judgment in personam in contract, and have no reference to judgments in rem, or in tort, or upon a penalty, or affecting status.

In the State (as opposed to the Federal) Courts throughout the principal States it may be broadly laid down that such judgments, if rendered by Courts possessed of jurisdiction to render them, are binding and conclusive upon the parties to them and are not re-examinable upon the merits. This rule prevails in New York, and is believed to follow the English rule. The earlier cases both in England and America, pronounced at a time when the law bearing upon the whole subject was undergoing formation, will hardly repay any careful consideration. The former doctrine of comity as the ground of enforcement has given way in some degree to the more practical one which is applied to domestic judgments, viz: that a litigant who has had a fair opportunity to try his cause before a competent tribunal and has availed himself of it should acquiesce in the result, and should not resort to another court: *sit finis litium*. But this statement of the law is subject to many qualifications. The important fact—the very foundation stone upon which is based all authority to uphold the foreign judgment—is jurisdiction in the Court rendering the judgment which has been defined to be the power to adjudge concerning the general questions involved in a suit or proceeding, and is of course not dependent upon the facts in question, nor upon the ultimate existence of a good cause of action.

The judgment sought to be enforced is always open to impeachment for want of jurisdiction over either the subject matter or the parties. Even the strict provisions of the Constitution declaring that full faith and credit shall be given in each State to the judicial proceedings of every other State, and of the Acts of Congress which declare that the judgments of State Courts shall have the same faith and credit in other States as they have in the