FOREIGN JUDGMENT CASES

Findings of the Courts of Other Countries May Be Impeached.

U. S. SUPREME COURT SO DECIDES


WASHINGTON, June 3.-After holding a trial of the case, the court found that the judgment against Hilton et al. was rendered in the court below, Mr. Justice Gray said that the judgment was not a valid one, as it was made in a foreign country, and the facts in the case involve transactions in the last thirty years, amounting to millions of dollars.

In 1879 Fortin & Co. instituted an action against Stewart & Co. in what is called the Tribunal of Commerce in Paris. In which the claim was a large sum of money growing out of the transactions of the previous years. In the course of the litigation, Stewart & Co. instituted an action for the recovery of the sum. The judgment was reversed, with instructions to grant a new trial. In the equity case, the judgment was reversed, and the case was remanded for further proceedings, in which the opinion of the court in the first case was reversed, with instructions to grant a new trial. In the equity case, the judgment was reversed, and the case was remanded for further proceedings.

Before this judgment was rendered, Stewart & Co. disposed of all their property in France, and, in order to realize on it, they obtained the aid of the United States attorney, or administrator, of the United States, who died in the meantime, was compelled to institute proceedings in the United States court at New-York. This resulted in a judgment for $250,532 in favor of Stewart & Co., which judgment was confirmed in the Supreme Court of the United States by the Supreme Court of the United States.

Justice Gray said, regarding this case, that the court was not under any obligation to determine the Canadian courts in order to determine the validity of the judgment. The jurisdiction of the court was not involved, but was any question of fraud in the proceedings raised. To a judgment against a citizen of Great Britain obtained in the United States, under such circumstances, would have been given full force by the courts of England. The judgment could not be set aside, because, at a later stage of the proceedings, it was alleged that the Canadian courts did not properly try some question involved. To set aside the judgment of the court below in favor of the judgment of the court below was affirmed. In this case there was no dissent.

The final disposition of this question will be received with much satisfaction by the law courts in this country, who have not been able to determine from the many conflicting decisions by lower courts just what force a foreign judgment against a citizen of the United States had in the United States. The financial interests involved are said to amount, in the aggregate, to many millions of dollars.