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International Law—Judgments—Conclusiveness of the Judgment of a French Court in a Suit in a New York State Court

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The court then gave judgment for the plaintiff. The case does not seem to be out of line with the modern trend and extension of the matters over which the court will take judicial notice. It is here noted because of its interesting and unusual application.

F. M. H. '27.

INTERNATIONAL LAW—JUDGMENTS—CONCLUSIVENESS OF THE JUDGMENT OF A FRENCH COURT IN A SUIT IN A NEW YORK STATE COURT.—Plaintiff was assignee of triplicate bills of lading issued in New York, under which one Webb shipped certain goods from New York to Havre. He sued defendant company in a New York court for delivering the goods to other parties who obtained them by using an office copy of the bill of lading. Defendant set up judgment rendered by the Tribunal of Commerce at Paris upon the same cause of action, by the same plaintiff. Although no attempt was made to impeach the judgment because of fraud, the lower courts in New York refused to give effect to the French judgment. Plaintiff appealed to the Court of Appeals. *Held*, The judgment of the French court upon the merits is conclusive in a New York court. "It can be impeached only by proof that the court in which it was rendered had not jurisdiction of the subject matter of the action or of the person of the defendant, or that it was procured by means of fraud." Reversed. *Johnson v. Compagnie Generale Transatlantique* (1926), 242 N. Y., 381, 152 N. E., 121.

The lower courts had refused to give effect to the judgment of the French court on the ground that by the law of France no foreign judgment can be rendered executory in France without a review of the judgment *au fond*, that is, of the whole merits of the cause of action on which the judgment rests. They had inquired into the merits of the French judgment and decided that it was contrary to the principles of our law and should be disregarded. In so doing, they had followed the case of *Hilton v. Guyot*, 159 U. S., 113, 16 S. Ct., 139, 40 L. Ed., 95, which held that a judgment of this same French court was not required to be recognized as conclusive in this country because the French courts do not give full faith and credit to the judgments of this country against French citizens. However, the New York Court of Appeals did not feel bound to follow *Hilton v. Guyot*, and reversed the decision of the lower courts. The rule of *Hilton v. Guyot* is still the rule in the federal courts, and is followed in some states. 34 C. J., 1165; 15 R. C. L., 920. The English rule is in accordance with the New York rule as followed in the principal case, and is followed in other states. 34 C. J., 1166; 15 R. C. L., 919. In a Missouri case it was held that "Courts generally through a species of courtesy called comity will recognize the validity of a foreign judgment when it is shown that the court rendering it had jurisdiction of the subject matter and of the persons of the parties litigant," but "the duty to recognize the validity and effect of a judgment or proceedings of a court in a foreign jurisdiction rests upon comity, and it is not regarded as an absolute legal right." *Grey v. Independent Order of Foresters*, (1917), 196 S. W., 779.

C. S. N. '27.

INTOXICATING LIQUORS—TRANSPORTATION OF.—Defendant is charged under an Act of Indiana with transporting liquor, the offense consisting of carrying the liquor from his woodshed to his dwelling house where he hid the liquor, and where the state's officers found it. *Held*, that the defendant's acts were insufficient to constitute transportation and that to "transport" intoxicating liquor is to carry it over, across, or remove it from one "place" to "another" and does not include removing or transferring it about in a particular area or tract by one in possession thereof; "place" being defined as area or portion of land marked off or separated from the rest as by occupancy, use, or character, and "another" as meaning a distinct and different place. *Hamwell v. State*, (Ind. 1926) 152 N. E., 161.