question of the merits of the original case by a plea of "*nil debet*." It was answered in the words of the first implementing statute of 1790[5] that such records and proceedings were entitled in each state to the same faith and credit as in the state of origin, and that, as they were records of a court in the state of origin, and so conclusive of the merits of the case there, they were equally so in the forum state. The Court found that it had not been the intention of the Constitution merely to reenact the common law—that is, the principles of private international law—with regard to the reception of foreign judgments, but to amplify and fortify these.[6] Some years later, in *Hampton v. McConnell*,[7] Chief Justice Marshall went even further, using language that seems to show that he regarded the judgment of a state court as constitutionally entitled to be accorded in the courts of sister states not simply the faith and credit on conclusive evidence but the validity of final judgment.

When, however, the next important case arose, the Court had come under new influences. This case was *McElmoyle v. Cohen*,[8] in which the issue was whether a statute of limitations of the State of Georgia, which applied only to judgments obtained in courts other than those of Georgia, could constitutionally bar an action in Georgia on a judgment rendered by a court of record of South Carolina. Declining to follow Marshall's lead in *Hampton v. McConnell*, the Court held that the Constitution was not intended "materially to interfere with the essential attributes of the *lex fori*," that the act of Congress only established a rule of evidence—of conclusive evidence to be sure, but still of evidence only; and that it was neces-

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[5] Chap. XI, 1 Stat. 122 ("records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the state from whence the said records are or shall be taken").

[6] On the same basis, a judgment cannot be impeached either in or out of the state by showing that it was based on a mistake of law. American Express Co. v. Mullins, 212 U.S. 311, 312 (1909). Fauntleroy v. Lum, 210 U.S. 230 (1908); Hartford Life Ins. Co. v. Ibs, 237 U.S. 662 (1915); Hartford Life Ins. Co. v. Barber, 245 U.S. 146 (1917).

[7] 16 U.S. (3 Wheat.) 234 (1818).

[8] 38 U.S. (13 Pet.) 312 (1839). *See also* Townsend v. Jemison, 50 U.S. (9 How.) 407, 413–20 (1850); Bank of Alabama v. Dalton, 50 U.S. (9 How.) 522, 528 (1850); Bacon v. Howard, 61 U.S. (20 How.) 22, 25 (1858); Christmas v. Russell, 72 U.S. (5 Wall.) 290, 301 (1866); Wisconsin v. Pelican Ins. Co., 127 U.S. 265, 292 (1888); Great Western Tel. Co. v. Purdy, 162 U.S. 329 (1896); Wells v. Simonds Abrasive Co., 345 U.S. 514, 516–18 (1953). Subsequently, the Court reconsidered and adhered to the rule of these cases, although the Justices divided with respect to rationales. Sun Oil Co. v. Wortman, 486 U.S. 717 (1988). Acknowledging that in some areas it had treated statutes of limitations as substantive rules, such as in diversity cases to insure uniformity with state law in federal courts, the Court ruled that such rules are procedural for full-faith-and-credit purposes, since "[t]he purpose . . . of the Full Faith and Credit Clause . . . is . . . to delimit spheres of state legislative competence." Id. at 727.