pends was not litigated in the original suit, it is a matter to be adjudicated in the suit founded upon the judgment.[33]

Because the principle of *res judicata* applies only to proceedings between the same parties and privies, the plea by defendant in an action based on a judgment that he was not party or privy to the original action raises the question of jurisdiction; although a judgment against a corporation in one state may validly bind a stockholder in another state to the extent of the par value of his holdings,[34] an administrator acting under a grant of administration in one state stands in no sort of relation of privity to an administrator of the same estate in another state.[35] But where a judgment of dismissal was entered in a federal court in an action against one of two joint tortfeasors, in a state in which such a judgment would constitute an estoppel in another action in the same state against the other tortfeasor, such judgment is not entitled to full faith and credit in an action brought against the tortfeasor in another state.[36]

Service on Foreign Corporations.—In 1856, the Court decided *Lafayette Ins. Co. v. French*,[37] a pioneer case in its general class. It held that, where a corporation chartered by the State of Indiana was allowed by a law of Ohio to transact business in the latter state upon the condition that service of process upon the agent of the corporation should be considered as service upon the corporation itself, a judgment obtained against the corporation by means of such process ought to receive in Indiana the same faith and credit as it was entitled to in Ohio.[38] Later cases establish under both the Fourteenth Amendment and Article IV, § 1, that the cause of action must have arisen within the state obtaining service in this way,[39] that service on an officer of a corporation, not its resident agent and not present in the state in an official capacity, will not

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against a resident of that state who had not been served by process in the New York action. The Court ruled that the original implementing statute, 1 Stat. 122 (1790), did not reach this type of case, and hence the New York judgment was not enforceable in Louisiana against defendant. Had the Louisiana defendant thereafter ventured to New York, however, he could, as the Constitution then stood, have been subjected to the judgment to the same extent as the New York defendant who had been personally served. Subsequently, the disparity between operation of personal judgment in the home state has been eliminated, because of the adoption of the Fourteenth Amendment. In divorce cases, however, it still persists in some measure. *See infra*.

[33] Adam v. Saenger, 303 U.S. 59, 62 (1938).

[34] Hancock Nat'l Bank v. Farnum, 176 U.S. 640 (1900).

[35] Stacy v. Thrasher, 47 U.S. (6 How.) 44, 58 (1848).

[36] Bigelow v. Old Dominion Copper Co., 225 U.S. 111 (1912).

[37] 59 U.S. (18 How.) 404 (1856).

[38] To the same effect is Connecticut Mut. Life Ins. Co. v. Spratley, 172 U.S. 602 (1899).

[39] Simon v. Southern Ry., 236 U.S. 115 (1915).