



**Res Judicata; A Treatise on the Law of Former
Adjudication ... Either Civil, Criminal Or
Ecclesiastical, Including a Discussion of the Rules
for ... in Equity are Final and Conclusive Volume 2**

John Mckee Van Fleet

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1895 edition. Excerpt: ...in rem are conclusive evidence in favor of a stranger as against a party, of the facts adjudicated. These are judgments of admiralty courts condemning a prize, and some other judgments of a similar nature. But these cases can not be said to lay down any general principle, and rest upon special reasons of convenience or construction. How far they are to be followed we need not now discuss. But in these cases, which are strictly in rem, the attempt is made, at least by public notice, to make all interested in the res parties, and the effect given to the finding of fact is due to the circumstance that they were thus made parties. The plaintiff relies much on the case of Ennis 'v. Smith, 14 How. 400. In that case the decrees of the courts of nobility of the governments of Grodno and Kobryn, in Lithuania, in the kingdom of Poland, were admitted as evidence of the identity of the plaintiffs as heirs of Gen. Kosciuszko. The exact extent of the jurisdiction of these courts, sitting under these governments, does not clearly appear from the reported case, but it would seem that they had authority, in proceedings instituted directly for the purpose, to establish the pedigree and relationship of certain persons of the class to which Kosciuszko belonged. Proceedings of this nature had been therein initiated and conducted, and the decree had been made by which the plaintiffs were declared to be the next of kin of Kosciuszko. This was a part of the plaintiffs' prime facie case. There was no controversy between the plaintiffs as to their relationship, and, on the other side, no claim was made as the heirs of Kosciuszko. The case of defendants rested upon an entirely distinct ground. While the counsel for the defendants stated the proposition that...

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