

## Sec. 1—Full Faith and Credit

mony payment, was enforceable in the District, the Court stated that in view of the wife's failure, while in Virginia litigating her husband's status to sue, to answer the husband's charges of willful desertion, it would be unreasonable to hold that the husband's domicile in Virginia was not sufficient to entitle him to a divorce effective in the District. The finding of the Virginia court on domicile and jurisdiction was declared to bind the wife. *Davis v. Davis* is distinguishable from the *Williams v. North Carolina* decisions in that in the former determination of the jurisdictional prerequisite of domicile was made in a contested proceeding whereas in the *Williams* cases it was not.

***Williams I and Williams II.***—In *Williams I* and *Williams II*, the husband of one marriage and the wife of another left North Carolina, obtained six-week divorce decrees in Nevada, married there, and resumed their residence in North Carolina where both previously had been married and domiciled. Prosecuted for bigamy, the defendants relied upon their Nevada decrees and won the preliminary round of this litigation, that is, in *Williams I*,<sup>53</sup> when a majority of the Justices, overruling *Haddock v. Haddock*, declaring that in this case, the Court must assume that the petitioners for divorce had a *bona fide* domicile in Nevada and not that their Nevada domicile was a sham. “[E]ach State, by virtue of its command over the domiciliaries and its large interest in the institution of marriage, can alter within its own borders the marriage status of the spouse domiciled there, even though the other spouse is absent. There is no constitutional barrier if the form and nature of substituted service meet the requirements of due process.” Accordingly, a decree granted by Nevada to one, who, it is assumed, is at the time *bona fide* domiciled therein, is binding upon the courts of other states, including North Carolina in which the marriage was performed and where the other party to the marriage is still domiciled when the divorce was decreed. In view of its assumptions, which it justified on the basis of an inadequate record, the Court did not here pass upon the question whether North Carolina had the power to refuse full faith and credit to a Nevada decree because it was based on residence rather than domicile or because, contrary to the findings of the Nevada court, North Carolina found that no *bona fide* domicile had been acquired in Nevada.<sup>54</sup>

Presaging what ruling the Court would make when it did get around to passing upon the latter question, Justice Jackson, dissenting in *Williams I*, protested that “this decision repeals the divorce laws of all the states and substitutes the law of Nevada as to all

<sup>53</sup> 317 U.S. 287, 298–99 (1942).

<sup>54</sup> 317 U.S. at 302.