capable of foreclosing an action for maintenance or support in another may be different from that required to alter the marital status with extraterritorial effect." [64]

Three years later, but on this occasion speaking for a majority of the Court, Justice Douglas reiterated these views in *Estin v. Estin*.[65] In this case, a New York court had granted a wife a decree of separation and awarded her alimony. Subsequently, in Nevada, her husband obtained an *ex parte* divorce decree, which made no provision for alimony. He ceased paying the New York-awarded alimony, and the wife sued him in New York. The husband argued that the Nevada decree had wiped out the alimony claim, but Justice Douglas found that "Nevada had no power to adjudicate [the wife's] rights in the New York judgment, [and] New York need not give full faith and credit to that phase of Nevada's judgment. . . . . The result in this situation is to make the divorce divisible—to give effect to the Nevada decree insofar as it affects marital status and to make it ineffective on the issue of alimony." [66] Accordingly, the Nevada decree could not prevent New York from applying its own rule of law which, unlike that of Pennsylvania,[67] does permit a support order to survive a divorce decree.[68]

Such a result was justified as "accommodat[ing] the interests of both Nevada and New York in this broken marriage by restricting each State to the matters of her dominant concern," [69] the concern of New York being that of protecting the abandoned wife against impoverishment. In *Simons v. Miami National Bank*,[70] the Court held that a dower right in the deceased husband's estate is extinguished even though a divorce decree was obtained in a proceeding in which the nonresident wife was served by publication only and

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[64] 325 U.S. at 281–83.

[65] 334 U.S. 541 (1948). *See also* the companion case of Kreiger v. Kreiger, 334 U.S. 555 (1948).

[66] 334 U.S. at 549.

[67] Esenwein v. Commonwealth, 325 U.S. 279, 280 (1945).

[68] Because the record, in his opinion, did not make it clear whether New York "law" held that no "*ex parte*" divorce decree could terminate a prior New York separate maintenance decree, or merely that no "*ex parte*" decree of divorce *of another State* could, Justice Frankfurter dissented and recommended that the case be remanded for clarification. Justice Jackson dissented on the ground that under New York law, a New York divorce would terminate the wife's right to alimony, and if the Nevada decree is good, it was entitled to no less effect in New York than a local decree. However, for reasons stated in his dissent in the first *Williams* case, 317 U.S. 287, he would have preferred not to give standing to constructive service divorces obtained on short residence. 334 U.S. 541, 549–54 (1948). These two Justices filed similar dissents in the companion case of Kreiger v. Kreiger, 334 U.S. 555, 557 (1948).

[69] 334 U.S. at 549.

[70] 381 U.S. 81 (1965).