

Sec. 1—Full Faith and Credit

or legally attached to the person of the decedent. Such a judgment is accordingly valid, generally speaking, to distribute the intangible property of the decedent, though the evidences thereof were actually located elsewhere.⁹¹ This is not so, on the other hand, as to tangibles and realty. In order that the judgment of a probate court distributing these be entitled to recognition under the Constitution, they must have been located in the state; as to tangibles and realty outside the state, the decree of the probate court is entirely at the mercy of the *lex rei sitae*.⁹² So, the probate of a will in one state, while conclusive in that state, does not displace legal provisions necessary to its validity as a will of real property in other states.⁹³

Adoption Decrees.—That a statute legitimizing children born out of wedlock does not entitle them by the aid of the Full Faith and Credit Clause to share in the property located in another state is not surprising, in view of the general principle (to which there are exceptions) that statutes do not have extraterritorial operation.⁹⁴ For the same reason, adoption proceedings in one state are not denied full faith and credit by the law of the sister state that excludes children adopted by proceedings in other states from the right to inherit land in the sister state.⁹⁵

Garnishment Decrees.—Garnishment proceedings combine some of the elements of both an *in rem* and an *in personam* action. Suppose that A owes B and B owes C, and that the two former live in a different state from C. A, while on a brief visit to C's state, is presented with a writ attaching his debt to B and also a summons to appear in court on a named day. The result of the proceedings thus instituted is that a judgment is entered in C's favor against A to the amount of his indebtedness to B. Subsequently A is sued by B in their home state and offers the judgment, which he has in the meantime paid, in defense. It was argued on behalf of B that A's debt to him had a *situs* in their home state and furthermore that C could not have sued B in this same state without formally acquiring a domicile there. Both propositions were, however, rejected by

⁹¹ *Blodgett v. Silberman*, 277 U.S. 1 (1928).

⁹² *Kerr v. Moon*, 22 U.S. (9 Wheat.) 565 (1824); *McCormick v. Sullivan*, 23 U.S. (10 Wheat.) 192 (1825); *Clarke v. Clarke*, 178 U.S. 186 (1900). The controlling principle of these cases is not confined to proceedings in probate. A court of equity "not having jurisdiction of the *res* cannot affect it by its decree nor by a deed made by a master in accordance with the decree." *Fall v. Eastin*, 215 U.S. 1, 11 (1909).

⁹³ *Robertson v. Pickrell*, 109 U.S. 608, 611 (1883). See also *Darby v. Mayer*, 23 U.S. (10 Wheat.) 465 (1825); *Gasquet v. Fenner*, 247 U.S. 16 (1918).

⁹⁴ *Olmstead v. Olmstead*, 216 U.S. 386 (1910).

⁹⁵ *Hood v. McGehee*, 237 U.S. 611 (1915).