marriages one of the parties to which can afford a short trip there. . . . While a state can no doubt set up its own standards of domicile as to its internal concerns, I do not think it can require us to accept and in the name of the Constitution impose them on other states. . . . The effect of the Court's decision today—that we must give extra-territorial effect to any judgment that a state honors for its own purposes—is to deprive this Court of control over the operation of the full faith and credit and the due process clauses of the Federal Constitution in cases of contested jurisdiction and to vest it in the first state to pass on the facts necessary to jurisdiction." [55]

Notwithstanding that one of the deserted spouses had died since the initial trial and that another had remarried, North Carolina, without calling into question the status of the latter marriage, began a new prosecution for bigamy; when the defendants appealed the conviction resulting therefrom, the Supreme Court, in *Williams* II,[56] sustained the adjudication of guilt as not denying full faith and credit to the Nevada divorce decree. Reiterating the doctrine that jurisdiction to grant divorce is founded on domicile,[57] the Court held that a decree of divorce rendered in one state may be collaterally impeached in another by proof that the court that rendered the decree lacked jurisdiction (the parties not having been domiciled therein), even though the record of proceedings in that court purports to show jurisdiction.[58]

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[55] 317 U.S. at 312, 321, 315.

[56] 325 U.S. 226, 229 (1945).

[57] Bell v. Bell, 181 U.S. 175 (1901); Andrews v. Andrews, 188 U.S. 14 (1903).

[58] Strong dissents were filed, which have influenced subsequent holdings. Among these was that of Justice Rutledge, which attacked both the consequences of the decision as well as the concept of jurisdictional domicile on which it was founded:

"Unless 'matrimonial domicil,' banished in *Williams I* [by the overruling of *Haddock v. Haddock*], has returned renamed ['domicil of origin'] in *Williams II*, every decree becomes vulnerable in every state. Every divorce, wherever granted . . . may now be reexamined by every other state, upon the same or different evidence, to redetermine the 'jurisdiction fact,' always the ultimate conclusion of 'domicil.' . . . " 325 U.S. at 248.

"The Constitution does not mention domicil. Nowhere does it posit the powers of the states or the nation upon that amorphous, highly variable common law conception. . . . No legal conception, save possibly 'jurisdiction' . . . affords such possibilities for uncertain application. . . . Apart from the necessity for travel, [to effect a change of domicile, the latter] criterion comes down to a purely subjective mental state, related to remaining for a length of time never yet defined with clarity. . . . When what must be proved is a variable, the proof and the conclusion which follows upon it inevitably take on that character. . . . [The majority has] not held that denial of credit will be allowed, only if the evidence [as to the place of domicile] is different or depending in any way upon the character or the weight of the difference. The test is not different evidence. It is evidence, whether the same or different and, if different, without regard to the quality of the difference, from which an opposing set of inferences can be drawn by the trier of fact 'not unreasonably.' . . . But [the Court] does not define 'not unreasonably.' It vaguely suggests a supervisory func-