

THIS IS THE LAW

By: Robert E. Lee
(For the N. C. Bar Association)
NEVADA DIVORCES

Are divorces obtained in other states recognized in North Carolina?

The "full faith and credit" clause of the Federal Constitution requires North Carolina to honor divorce decrees of a sister state of the American Union. But this does not mean that all divorce decrees granted in Nevada, Florida, or some other sister state of necessity will have to be recognized in North Carolina.

The North Carolina court may find, as it has, that the sister state did not have jurisdiction because neither of the spouses was a bona fide resident of the state at the time the decree was rendered. This happened in the celebrated case of Williams vs. North Carolina approved by the Supreme Court of the United States in 1945.

A North Carolinian went to Nevada, remained there only for the six weeks residence required under law of Nevada, and returned with a new wife. North Carolina refused to recognize the Nevada divorce under the facts of the particular case. He was convicted of the criminal charge of bigamy.

In the Williams vs. North Carolina case the plaintiff did not acquire an actual residence in Nevada and the defendant was never served with any kind of legal paper in Nevada and did not make an appearance, either personally or through an attorney, in the Nevada court.

One should not, however, get the impression that North Carolina will never recognize divorces obtained by its citizens in other states. Sometimes it will and sometimes it will not, depending upon the facts of the particular case. The divorce will

be recognized in North Carolina, for example, if both parties have personally appeared in the court of the divorcing state. If the defendant appears and participating in the divorce proceeding, he has had his "day in court."

Furthermore, if a husband leaves his wife in North Carolina and goes into another state and there establishes an actual residence or bona fide domicile, any divorce he obtains in the other state is entitled to recognition in North Carolina as far as it effects a dissolution of the marriage. This is true even though his wife never goes into the state which renders the divorce decree.

In Williams v. North Carolina the husband never acquired a legal residence or domicile in Nevada for the purpose of giving to the court of Nevada jurisdiction over his marital status. While in Nevada he stayed in a tourist auto court. He never abandoned his intention of returning to North Carolina. He obviously did not go to Nevada

Wolf Visiting Daniel Boone Council

Mr. Edgar W. Wolf, National Director of the Rural Relationships Service, Boy Scouts of America, will visit the Daniel Boone Council on September 20, 21, and 22. Mr. Wolf will aid all 14 counties of the council in help-

ing to reach the rural boys of the council.

Mr. Wolf became a district Scout Executive in 1938 and after serving in several councils he became Assistant National Director of the Rural Relationships Service in 1952, and then assumed his present position in 1957.

Clayton Doty, Scout Executive of the Daniel Boone Council reported that several meetings have already been lined up with key volunteers in the council so that "hard to reach boys" will be given the opportunity to be Scouts. The Daniel Boone Council is composed of the following counties of Western, North Carolina: Buncombe, Henderson, Macon, Transylvania; Jackson, Haywood, Clay, Swain, Graham, Cherokee, Madison, Yancey, Mitchell and Avery.

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