

Friday, 3 February 1967

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Last night on the telephone Dempsey told me the enemy has just about abandoned their claim that Juanita went to court instead of Anita. It seems to me this switch would completely defeat them. It surely would in a case being tried before me. Now the main contention is that Anita did not spend the full time in Nevada required by law. The new, lady lawyer says it must be 42 consecutive days. That is not true. In many divorce cases I handled before I went on the Bench, the 42 days in Nevada were spread out over two or three months. While I was on the Bench, I granted many decrees where the 42 days or six weeks were built up by several spells in Nevada.

One thing bothers me, however. In most of those cases the freedom-seeker did maintain a domicile, a room, etc., in Nevada during the spells of absence. I do not now recall the sections of the statute that apply. I am quite sure the Nevada Supreme Court has ruled that the 42 days need not be consecutive, but I do not recall just which cases so held. Dempsey asked me to go to the law library of the Association of The Bar of the City of New York on 44th Street just west of 5th Ave. to see if I can find the Nevada cases there. If not, I will call some lawyer in Reno and ask him to run down the citations for me.

So this morning, after a bite of breakfast, I went there. They have a very extensive law library. There I found the Nevada statute and annotations as well as the Nevada Reports but they do not have a set of our new Digest that came out last year. That would have made my task much easier. Since Dempsey thinks he might call me to testify as an expert on Nevada Law, I want to be well prepared and able to say which cases hold what. So I spent all this day, until 6:30, reading and briefing Nevada divorce cases. There are a lot of them and I could easily spend three or four days on the task. I left at 6:30 to return to my room and change clothes to go to dinner with Jim and his wife.

They drove down from White Plains in a new Cadillac he took delivery of this morning, a most beautiful car with AM and FM stereo radio such as I have never heard before in my life. He took me to dinner at Jimmy's LaGrange, 151 East 49th St., just

around the corner from my hotel. It is a very small place - just a hole in the wall. There can't be over fifteen tables in the place, but the food is excellent. We never did see a menu. Jimmy himself decided what we should have and we said, "O.K." Mrs. Dempsey had a steak, a real western-sized steak, which she could cut with her fork. Jim and I each had a chicken dish such as I have never eaten before and do not know the name of. We had only one round of drinks yet the check was \$37 plus for the three of us. It seems Jimmy has to get high prices to make any money on just ten or fifteen tables.

After dinner, we came to my room and picked up the work I had done at the library today and then went across the street to the large, plush lobby of the Barclay Hotel (where Mr. Woodward lived for years). The place was practically deserted so we sat at one corner of the inner lobby and went over the Nevada cases. Jim then read hurriedly the transcript of proposed testimony I can give, which I sent him from Reno several days ago. He told me this present wife of Manville, Christina, is very tight and stingy. He wants me to demand my expenses and fee for my time be paid before I go on the witness stand or he might have a hard time ever getting it for me, and doesn't want to have to pay it himself. He told me to ask - demand at least \$250 a day as Rice had done. I would rather not be paid before I testify, so suggested we ask Mrs. Manville to deliver the money to her own attorney, Mr. Dempsey, to be later given to me by him. He wants me to ask for \$250 a day for every day I am away from Reno. That I do not like to do. I don't think it is fair to ask anyone, poor or rich, to pay me \$250 a day for the weekend I went to Wilmington to see my daughter or any other weekend, as far as that is concerned, except Saturday or Sunday I do actually work on the case, as I will tomorrow perhaps all day at the law library. However, I do want to see Judge Rice is paid for his former trip here because in order to get him to withdraw his demand to be paid then and there, I told him I would personally guarantee it to him.

At 12:00, Jim wanted to go nightclubbing. His young, beautiful wife Marian had better sense and carted him off for home. She does not drink at all so is a perfect nursemaid and driver for him. I came to my little dungeon of a room and went to bed about 1:30 a.m.