

DUNCAN CURRY  
STAUNTON, VA.

COPY

SANTIAGO, September 22nd., 1942.

Mr. Duncan Curry,  
Staunton, Virginia.

Dear Sir:

Mr. Douglas [redacted] has consulted us about your letter of 11th September inst., and we thought it would be better that the legal parts of your letter should be answered by us, so this will explain the present.

Mr. [redacted] has told us that he accepts the divorce that his wife will ask in the United States and he is ready to sign any summons that might be sent in accordance with the laws of the state of Nevada.

He only points us that he does not like to be obliged to sign an affidavit before any American consular officer and we think that this can be avoided, because in the abstract of the laws of the state of Nevada that we have consulted, there is no reference to an affidavit made by the defendant.

We are wondering whether the results of this divorce will have legal effects in England, as English laws prescribes the personal status, that is to say, Englishmen are obliged in the English law in everything concerning the British personal relations with wife and children. Divorce in England is only granted for special reasons and we don't know whether the English courts will accept divorce granted by other reasons not consulted in their laws. Please give us your opinion in this point, because in accordance with Chilean laws and for a Chilean citizen, divorce granted in Reno will not be valid for the relations of this Chilean with his wife and children of the same nationality.

We have heard in New York that the New Jersey and New York Courts do not accept the effects of a divorce granted in Reno, Nevada.

Anyhow, our client's instructions is to give you all the legal aid we are capable to help you in this matter and please send us all the necessary papers to sign and we shall arrange with Mr. [redacted] the best way of arranging them.

We are sure that in this case, no declaration of alimony and costs will be asked and obtained against Mr. [redacted].

We remain, dear Sir,

Yours truly,

Claro Y Cia

DUNCAN CURRY, Esq.  
STAUNTON, VIRGINIA

Oct. 7, 1942.

George A. Bartlett, Esq.,  
Biltz Building,  
Reno, Nevada.

Dear Sir:

I am writing you because I got your name from my friend R. Gray Williams, Attorney at Law, Winchester, Virginia. He stated to me that they were pleased with the way you handled a suit for divorce for Mrs. Harry R. Kern of Winchester, Virginia.

Mrs. Harriet E. [redacted] wants to get a divorce from her husband, Douglas A. [redacted], and I am writing to ask you about representing her, if she should go to Nevada. Mrs. [redacted] was formerly [redacted] and she married Mr. [redacted] in December, 1940, in Staunton, Virginia, her home. He is an Englishman and is employed in the branch bank of the National City Bank at Santiago, Chile, and has lived in Chile for many years. Mrs. [redacted] is an American citizen. Mrs. [redacted], immediately after her marriage, went with him to Chile and they separated in March, 1942, and Mrs. [redacted] returned here in the same month. She found it was impossible for her to continue to live with him. I wrote Mr. [redacted] that his wife was going to sue him for a divorce and I have a letter from him indicating that he will acknowledge service of process.

What I particularly want to know is whether or not you will represent Mrs. [redacted], if she should come to Nevada, and if you will do so, what will be the costs and fees of a divorce in Reno and what will be the time required to get the divorce.

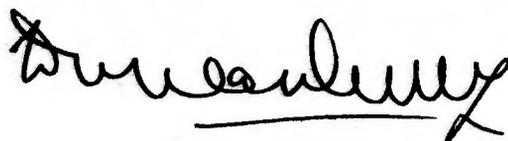
DUNCAN CURRY  
STAUNTON, VIRGINIA

George A. Bartlett, Esq., Sheet No. 2-

I understand from the Martindale-Hubbell Directory that residence of six weeks is required, but I cannot find how long the proceedings for a divorce take. If papers have to be sent Mr. [REDACTED] after the residence has been established, I fear that it would take some time, although they can be sent there by air mail. I would like to know if Mr. [REDACTED] employed counsel in Reno if that would speed the proceedings. If a divorce can be completed before Christmas, Mrs. [REDACTED] wants to go to Nevada immediately.

Any other helpful information that you can give me will be appreciated. I am enclosing an envelope with an air mail stamp.

Very truly yours,



DC:WBW

October 12th, 1942.

Duncan Curry, Esq.,  
Staunton, Virginia,

Dear Mr. Curry:-

Sorry weekend delay accounting for absence from my office has delayed personal attention to your favor of the 7th.

I am enclosing for your convenience, a stock form of Power of Attorney usually used in cases of the kind we are considering. I suggest you forward it by air mail to Mr. [REDACTED] forthwith, with instructions to execute and return to the firm named, Thatcher & Woodburn, 206 North Virginia Street, Reno, Nevada.

This may be done regardless of waiting for expiration of residence of plaintiff, who must reside here six weeks, at the end of which time her Complaint may be filed and the Answer of defendant be filed also forthwith, which will enable the case to be tried upon the same day and the whole matter closed at once, so you can assure Mrs. [REDACTED] the sooner she reaches Reno and commences her residence, the earlier she will be able to beat the arrival of Christmas.

As to fees and costs, plaintiff's attorney fee will be \$250.00, and defendant's attorney fee \$100.00; Court costs for plaintiff will amount to approximately \$32.00; defendant's Court costs will amount to \$12.50. In addition to this plaintiff will have to pay her residence witness fee, which will amount to between \$5.00 and \$10.00, depending on whether

Mrs. [REDACTED] establishes her residence in town or at one of the Dude Ranches outside the city, but within the State , of course.

If you will advise me by wire the time of her expected arrival here, my daughter will be glad to meet her train or plane and assist in securing comfortable quarters for her; if they should miss each other, have Mr. [REDACTED] go to the Hotel Riverside and call me on the telephone.

The Power of Attorney may be executed before a United States Counsel or Vice-Counsel or before any Court Officer.

With kindest regards, I am,

Sincerely,

GAB/gc

DUNCAN CURRY  
STAUNTON, VA.

COPY

October 17, 1942.

Claro Y Cia,  
Morande 231,  
Santiago, Chile.

Gentlemen:

I am sending herewith to Mr. [REDACTED] a Power of Attorney that I received today from Mrs. [REDACTED]'s lawyer, Mr. George A. Bartless, Biltz Building, Reno, Nevada. The purpose of this Power of Attorney is twofold, one to speed the proceedings and the other to make the divorce satisfy any jurisdictional objections. If this Power of Attorney is properly signed and executed and will reach Thatcher & Woodburn, 206 North Virginia Street, Reno, Nevada, within six weeks of Mrs. [REDACTED]'s arrival in Reno, it will save several weeks or months. It also will clearly give jurisdiction over both parties to the Court and should satisfy the "full faith and credit" clause in the United States Constitution.

Although Mrs. [REDACTED] is a United States citizen she was not in Virginia on January 1, 1942, so she has not yet established her domicile in Virginia. She is now at liberty to establish her domicile and her divorce there, particularly if it is obtained before January 1, 1942, should be good every where. We are satisfied that she can obtain a legal divorce in Nevada, and we have adopted the procedure and with the same lawyers that the daughter of Senator Harry F. Byrd, one of our leading statesmen, followed. I suggest that you have Mr. [REDACTED] sign and acknowledge the Power of Attorney before a United States Consul or Vice Consul. It may be proper for him to acknowledge the Power of Attorney before any Court Officer authorized to take acknowledgements, but I believe it will be safer if it is before a United States Consul or Vice Consul.

I also hope that you will see the advantage of sending this Power of Attorney at once to Thatcher & Woodburn. Our lawyer in Nevada put their name in the Power of Attorney, and, as I stated in my letter to Mr. [REDACTED], I verified from the Martindale Hubbell Law Directory that this firm is one of the leading firms in Reno, Nevada.

Please let me renew my appreciation of your assistance in this matter.

Very truly yours,

DC:WBW

Duncan Curry

DUNCAN CURRY  
STAUNTON, VA.

COPY

October 17, 1942.

Mr. Douglas A. [REDACTED],  
The National City Bank,  
Santiago, Chile.

Dear Douglas:

I enclose Power of Attorney for you to sign that I received today from Mr. George W. Bartlett, who will represent Harriet in the proceedings in Nevada. He represented Senator Harry F. Byrd's daughter when she got her divorce in Nevada. Harriet expects to go to Reno, Nevada, next week. If you will sign and execute the Power of Attorney at once and send it by air mail to Thatcher & Woodburn, 206 North Virginia Street, Reno, Nevada, U. S. A., it will be very helpful. It will save considerable delay if your Power of Attorney will reach Thatcher & Woodburn within six weeks of this date. If for any reason you cannot send it to Thatcher & Woodburn so it will reach Reno before the expiration of six weeks, I shall appreciate it if you will telegraph me.

I find in the Martindale-Hubbell Law Directory, which is the accepted directory of all lawyers in this country, that Thatcher & Woodburn is one of the leading firms in Nevada. Mr. Bartlett says in his letter to me that the defendant's attorney fee will be \$100.00 and the defendant's Court costs will be \$12.50. I assume that it will be proper for Harriet to pay this fee and these costs. She, of course, will pay Mr. Bartlett's fee and the plaintiff's costs.

Please acknowledge the Power of Attorney before a United States Consul or Vice Consul.

I enclose a letter to your Santiago attorneys.

Please let me again express to you my appreciation of your cooperation in not trying to obstruct what seems inevitable.

Very sincerely yours,

DC:WBW

Duncan Curry

DUNCAN CURRY  
STAUNTON, VIRGINIA

Oct. 22, 1942.

George A. Bartlett, Esq.,  
Biltz Building,  
Reno, Nevada.

Dear Mr. Bartlett:

I certainly thank you for your letter, dated October 12, 1942. The fees and arrangements are thoroughly satisfactory to us. The reason for my delay in answering your letter was because I wanted definitely to tell you Mrs. [REDACTED]'s plans, and on account of the difficulty in getting reservations I was not able to tell them until today. Mrs. [REDACTED] is Mrs. Curry's daughter by a former marriage. She and her mother will leave New York City Saturday night by train and expect to arrive in Reno Tuesday night. Although they say that their train is due in Reno at 8 P. M., I assume that it will be late, as are our trains here. I, therefore, hope that you will reserve a double room with a bath for Mrs. Douglas [REDACTED] and Mrs. Duncan Curry at the hotel, that you mentioned, for Tuesday night, October 27, and they then can go from the station directly to the hotel. They will telephone you Wednesday morning. Both of them look forward to meeting you and your daughter and I know they will take advantage of your daughter's help in getting located.

On October 17, the day I received your letter, I sent the Power of Attorney that you sent me to Mr. [REDACTED] and urged him to return it by air mail to Thatcher & Woodburn, 206 North Virginia

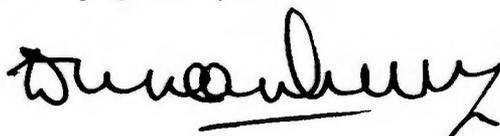
DUNCAN CURRY  
STAUNTON, VIRGINIA

George A. Bartlett, Esq., Sheet No. 2-

Street, Reno, Nevada. I also enclose a copy of the letter that I received from Claro Y Cia, Mr. [REDACTED]'s attorneys in Santiago, Chile, dated September 22, 1942, and also copies of my letters to him and his attorneys dated October 17, 1942.

I certainly hope that you will be able to close this suit before Christmas. Please let me again express my appreciation of your letter. I believe both you and your daughter will like Mrs. Curry and Mrs. [REDACTED].

Sincerely yours,



DC:WBW

Encls.

CLARO Y CIA.

MORANDÉ 231

SANTIAGO

SANTIAGO, October 23rd., 1942.-

Sued for Divorce. Cinemactress Greer Garson (*Mrs. Miniver*); by Edward A. A. Snelson, a subordinate judge in India; to make it stick; in London. She divorced him in Los Angeles in 1940 (the marriage had lasted one month, five days in 1933), but British law does not recognize some U.S. divorces.

NIA

Dear Sir:

I beg to acknowledge receipt of your favour of October 7th inst. in which you inform me that it will not be necessary for Mr. [redacted] to sign an affidavit before a CONSULAR OFFICER.

You inform us that you are quite sure of the validity of divorce but you do not answer our question about the legal effects of this divorce in England.

We have consulted during this last month several English people and they agree with our point of view, that divorce granted by legal causes other than adultery, are not accepted by the English Courts as valid and available to permit a British subject to be considered a divorcee in England for all legal purposes. I enclose cutting from an American periodical.

I am sure that divorce will be quite legal in the United States, specially in Florida, but this is not the case for Mr. [redacted], who is a British subject and for the rest of his life this divorce that will have no effect in his mother land which will be a nuisance for him.

It is for this reason that we insisted on a full legal report about the effects the divorce will have in England, before taking any measure.

We also suggest that you study if there is any possibility in obtaining an annulment of the marriage, because we believe that this annulment due to possible defects in the form of proceedings to the marriage, will be acceptable in England.

Please Mr. Curry see that we are only trying to protect our client's future and don't think that we are in any way objecting to the acceptance of what Mrs. [redacted] wants.

We anxiously await your reply and remain,

Yours faithfully,

*Claro y Cia  
Santiago*

SC/PT

DUNCAN CURRY  
STAUNTON, VA.

COPY

Nov. 5, 1942.

Claro Y Cia,  
Morande 231,  
Santiago, Chile.

Dear Sirs:

I am really worried by your letter dated October 23, 1942, that I received today. Mrs. [REDACTED] is in Reno, Nevada, and has been there since October 27, 1942. I had assumed that your client, Mr. [REDACTED], would properly sign the Power of Attorney that I sent you in my letter dated October 17, 1942, and return it by air mail to Thatcher & Woodburn, 206 North Virginia Street, Reno, Nevada, U. S. A. I also asked Mr. [REDACTED] to telegraph me if for any reason he could not send it before the expiration of six weeks from the date of my letter to him. I infer from your letter that it is possible that Mr. [REDACTED] has not yet sent the Power of Attorney to Thatcher & Woodburn, 206 North Virginia Street, Reno, Nevada, U. S. A. I today cabled Mr. [REDACTED] as follows: "Douglas [REDACTED], National City Bank, Santiago, Chile. Harriet in Reno please cable me collect if you mailed or will mail immediately Power of Attorney. Duncan Curry"

It will be extraordinarily inconvenient if this Power of Attorney does not reach Thatcher & Woodburn on or before December 8, 1942. It would result in a delay of probably several months because the procedure would then have to be by newspaper notice. While my client is going to get a divorce whether or not your client signs the Power of Attorney, your client would be divorced

COPY

Claro Y Cia, Sheet No. 2-

So far as Mrs. [REDACTED] is concerned, but there might be a real question whether or not your client was also divorced. The delay in the procedure is difficult for Mrs. [REDACTED] but not insuperable. She is going to get a divorce even if it is by publication in the newspaper instead of by your client's sending the Power of attorney. I believe the Power of attorney that I sent your client, if filed in the Courts of Nevada, will be the basis for a divorce decree that will be universally recognized, even in England. As I have written you, if the Court granting the divorce decree has jurisdiction over both parties, the decree is good every where and as to both parties. If the Court has jurisdiction over only one of the parties, the divorce decree is recognized in many states and countries, but in some jurisdictions it is not recognized if the defendant does not appear. You, therefore, can grasp the importance of your client's filing this Power of attorney.

In regard to the clipping that you sent me about the Garson divorce, I assume that her husband made no appearance in the Los Angeles suit in California. I note your suggestion about a nullity suit, i. e., "obtaining an annulment of the marriage." This is not appropriate for the facts before us. At one time it is true that the English Courts seemed not to have recognized a divorce on grounds not grounds for a divorce in England, but I am certain that this is no longer the law in England. The modern trend of decisions in England confirms what was said in 1905 in Wynn & Hall on Divorce and Matrimonial Causes, page 515, an English Law Book, and "precludes the scandal that arises from

DUNCAN CURRY  
STAUNTON, VA.

COPY

Claro Y Cia, Sheet No. 3-

a man and woman being held to be husband and wife in one country and strangers in another." English Divorce Law has radically changed in the past five years, and it is much less the "curious cabinet of antiquities" that it was. I cannot believe that English Courts would not recognize this divorce decree if you follow the procedure that I suggested to you and that I received from one of the leading lawyers in Nevada, an expert in divorce law. You will recall the innumerable divorce decrees that have been entered in Nevada and I cannot believe that the English Courts would refuse to recognize them, particularly in this case. Mr. and Mrs. [REDACTED] were married in the United States and they never had a matrimonial domicile in England. Mrs. [REDACTED] continued to be a United States citizen and it appears that she is now domiciled in Nevada. In my opinion, your client will have a divorce that will be recognized in England if he immediately sends the Power of Attorney. If he does not get it to Nevada in time, I do not know what his matrimonial status will be but I do know what Mrs. [REDACTED]'s matrimonial status will be, i. e., she will be divorced from Mr. [REDACTED], however long the process may take. I certainly hope that you and your client will continue your cooperation by immediately sending the Power of Attorney.

I am sending a copy of this letter to Mr. Douglas A. [REDACTED],  
National City Bank, Santiago, Chile.

Very truly yours,

DC:WBW

DUNCAN CURRY  
2-3-4 LAW BUILDING  
STAUNTON, VIRGINIA

Nov. 7, 1942.

Mrs. Douglas [REDACTED],  
41verside Hotel,  
Reno, Nevada.

Dear Harriet:

I enclose the original cable that I received from Douglas this morning. I sent him the following cable: DOUGLAS [REDACTED] NATIONAL CITY BANK SANTIAGO, CHILE. IN MY OPINION THE DECREE WILL BE VALID AND RECOGNIZED UNDER ENGLISH LAW DUNCAN CURRY.

Also I am writing him and I am enclosing a copy of my letter to him.

As ever,

DC.

DC:WBW

Bill is still writing his letter, and it will follow shortly. Both of them seem to be doing fairly well. I exactly transcribed W's letter.