

DORIS DUKE'S DIVORCE INVALID IN NEW JERSEY

Sealed Records of Reno Court Scored By Judge Who Mentions Fraud

ELIZABETH, N. J., May 10.—(AP) — Advisory Master Dougal Herr in chancery court today found null and void the Reno divorce of Doris Duke Cromwell from her husband James H. R. Cromwell, former U. S. minister to Canada, and ordered it set aside.

Herr held the decree "null, void and of no effect in New Jersey." In handing down the court's decision the advisory master challenged the 31-year-old tobacco heiress' competence as a married woman to select a residence outside the state so long as her husband stayed in New Jersey.

He held that an element of fraud was "conspicuous" in Mrs. Cromwell's claim that she was a Reno resident.

At the same time Herr declared Nevada had forfeited its right to the full faith and credit clause of the United States constitution in sealing testimony of Mrs. Cromwell and not permitting its perusal by the New Jersey court.

Cromwell's suit for a limited divorce under the laws of the state of New Jersey will be heard later before Herr.

Mrs. Cromwell was in New York but could not be reached for comment. At the office of her attorney, W. R. Perkins, it was said there would be no statement.

Earlier today Cromwell's counsel told the court that Mrs. Cromwell's Nevada testimony had been sealed and was not available to her husband.

"This court not only has a right but a duty to see the record," Herr said angrily as he demanded to know if this action by the Nevada judge was "due process of law." Herr had previously asked for a transcript of the testimony in the Reno divorce proceedings.

Cromwell, former U. S. minister to Canada under President Roosevelt told the court today his wife, on her return to Somerville, N. J., from Honolulu in September, 1942, talked of wanting a divorce.

"She said that I had sufficient grounds," Cromwell testified. "I told her she knew gentlemen didn't divorce their wives."

"Did you mean gentlemen didn't divorce their wives for adultery," Meyer Ruback, of Cromwell's counsel, queried.

"Yes," was the reply.

Explaining his wife's actions had affected his campaign for Cromwell "the Duke power gang, her advisors, had left no stone unturned to destroy me. People in New Jersey thought that Hague and the Duke gang were behind me, which was bad enough, but actually both were trying to destroy me. Far from being the fair-haired boy of Mayor Hague, I never saw him until the end of the campaign."

Cromwell told how his wife twitted him about being able to obtain a divorce. He quoted her saying that "under the laws of Nevada I can get a divorce whether you like it or not, because the statutes there require only proof that there had been three years of non-cohabitation."

Cromwell testified yesterday he had lost his wife's affections for two reasons—"first, she had become infatuated with another man, and in the second place her trustee . . . always hated me and did everything he could to poison her mind against me."

Cromwell's counsel identified the trustee as Thomas L. Perkins, New York lawyer.

The husband told Advisory Master of Chancery Dougal Herr that after he "persuaded" his wife to contribute \$50,000 to the Roosevelt campaign fund in 1936 her trustee and counsel "poisoned her mind against me."

Cromwell told the court he would "consider it a favor" if identification of the man he still was the object of his wife's infat-

uation could be avoided, "because to me it is a dead issue."

Previously, Cromwell's counsel had charged in court proceedings that Mrs. Cromwell had turned her husband out of the Duke mansion near Somerville, N. J., and that "Mr. Cromwell's bedroom was then occupied by his successor in his wife's affections, a truant member of the British parliament."

Cromwell, reiterating denial of his wife's charge in her Reno divorce action that he had demanded settlements from her totaling \$7,000,000, testified yesterday that the allegation was "a deliberate and malicious lie."

He said the \$7,000,000 was to be used as a trust fund for charity "to save income tax—oh, but strictly within the law."