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not only from the lawful claims of third persons having title paramount
to the lessor, and the unlawful entry of the lessor, but also from any
interference by the landlord with the tenant's leasehold rights. There-
fore, the giving of the option was an act which the landlord was not
legally bound to do, and hence, a breach of the covenant. It would
then appear that the conclusion of the minority is logical. Public
policy, however, would seem to require the Court's decision. To hold
otherwise might deter landlords from negotiating with the City and
curtail operation of the statute where a leasehold interest exists.
However, the case should be strictly limited and freely distinguished.

SUPPORT AND MAINTENANCE — NEW YORK UNIFORM SUPPORT
OF DEPENDENTS LAW HELD CONSTITUTIONAL.—A proceeding was
commenced in California under the California Reciprocal Enforcement
of Support Act by a mother, resident of California, against her former
husband, resident of New York, to enforce support of their minor
child. The petition was forwarded to the New York Domestic Re-
lations Court. Pursuant to the reciprocity provisions of the New
York Uniform Support of Dependents Law that court ordered re-
spondent to make support payments by depositing specified sums into
court. On appeal, respondent attacked the procedure as unconstitu-
tional. In affirming the order granting support, the Court held that
the procedure did not violate the compact clause, the due process
clause or the equal protection clause of the Federal Constitution.

Prior to the enactment of reciprocal support legislation the rem-
edies available to a dependent where an obligor left the jurisdiction
were cumbersome, expensive, and rarely if ever accomplished the
desired social ends. In the main, criminal liability was ineffective.
Although a husband-father could be prosecuted under certain cir-
cumstances, the result of such a prosecution was merely an added
financial burden upon the state. Often, the cost of extradition
discouraged prosecution.

The effectiveness of the civil remedies available to a dependent
was usually limited to those cases where the obligor could be located

20 N.Y.C. ADMIN. CODE § B15-30.0.
1 N.Y. PEN. LAW §§ 50, 480.
2 U.S. CONST. art. IV, § 2, cl. 2, provides for extradition of a felon “who
shall flee from justice.” In many cases an obligor may not have fled from
justice. He may have entered another state to secure employment. See
Brockelbank, The Problem of Family Support: A New Uniform Act Offers a
Solution, 37 A.B.A.J. 93, 94 (1951).
within the jurisdiction. Where the obligor had left the jurisdiction, the obligee could proceed by an action quasi in rem by sequestering the property of the obligor located in the state before judgment. In such cases, however, the decree would, necessarily, be limited to the value of the sequestered property. Where no property was available, and the absent obligor had established a new domicile, it was virtually impossible for a destitute dependent to obtain a support order because of the inability to acquire personal jurisdiction. Assuming, however, that a dependent was fortunate enough to obtain personal jurisdiction prior to the obligor's departure, and a support order was granted thereon, his condition was not improved to any great extent. Very often, the dependent lacked the necessary funds to pursue the obligor into another state. Even if the funds were available the order was entitled to full faith and credit only as to past accrued amounts.

It was against this background that the New York Uniform Support of Dependents Law was enacted. Basically, the law is a simple two-state procedure enabling a dependent residing in one state to enforce support obligations against an obligor residing in another state without the necessity of acquiring a prior in personam judgment. Under the statute, a dependent may institute a proceeding in the county wherein he resides. Upon a finding that the responding state has a substantially similar or reciprocal law, the court certifies that the respondent cannot be served with process within the state and forwards the petition to the appropriate court of the responding state.

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3 N.Y. CHILDREN'S CT. ACT §§ 30-34; N.Y.C. DOM. REL. CT. ACT §§ 91-159.
5 Sistare v. Sistare, 218 U.S. 1 (1910); Barber v. Barber, 62 U.S. (21 How.) 582 (1858); Barber v. Barber, 323 U.S. 77, 80 (1944) (dictum). Some state courts, however, have enforced decrees of future support through comity. See, e.g., Rule v. Rule, 190 Minn. 547, 252 N.W. 449 (1934); McKeel v. McKeel, 185 Va. 108, 37 S.E.2d 746 (1946).
6 Laws of N.Y. 1949, c. 807.
7 "This act shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter." N.Y. UNIFORM SUPPORT OF DEPENDENTS LAW § 2118. In the case of Morse v. Morse, 3 Misc. 2d 163 (App. T. 1st Dep't 1956), the plaintiff had obtained a California divorce decree which provided for alimony of $675 a month. The defendant failed to make payments and the plaintiff commenced proceedings under the California reciprocal support act. The Domestic Relations Court ordered the defendant, then a resident of New York, to make support payments of $400 a month. In the present action the plaintiff sought a recovery for arrears of $675 monthly up to the time the defendant began to pay $400 monthly; and for accrued arrears of $275 monthly since then. The court held, in giving judgment for the plaintiff, that the order of the Domestic Relations Court awarding $400 a month to the plaintiff was not a bar to the present action.
8 N.Y. UNIFORM SUPPORT OF DEPENDENTS LAW § 2116(a).
9 Id. § 2115.
A summons issues out of the court of the responding state. If the respondent denies liability, the court of the responding state sends a transcript of the minutes to the court of the initiating state, showing the denials entered by the respondent. The court of the initiating state takes such proof as it deems proper and forwards a transcript of such proof to the court of the responding state. Both parties are granted the right to reply to each other's proof by depositions and to cross-examine witnesses by written interrogatories. If the court of the responding state finds that the petition is supported by the evidence it will issue an order directing the respondent to make support payments into court. The support payments are forwarded to the court of the initiating state which in turn channels the payments to the petitioner.

Recognition of the social problem attempted to be remedied by such legislation has led forty-seven states to adopt the Uniform Reciprocal Enforcement of Support Act, a law substantially similar to the New York statute. The novel procedure involved in the operation of both reciprocal laws has subjected them to constitutional attack. In *Duncan v. Smith* the court held that since the act granted the same privileges to non-residents as it did to residents it does not violate Article IV, Section 10, of the Federal Constitution. The procedure affords an opportunity to both the petitioner and the respondent to be heard in open court, and, therefore, does not violate due process. Since proceedings to enforce support have always been cognizable in equity, the right to trial by jury does not apply. Similarly, since the proceedings are civil rather than criminal in nature, no right of confrontation exists; notwithstanding the fact

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10 Id. § 2116(c).
11 For willfully failing to appear a respondent may be punished in the same manner for such a violation in any other action. Id. § 2116(j).
12 Id. § 2116(d).
13 Id. § 2116(f).
14 Id. § 2116(g).
15 Id. § 2116(i).
16 Id. § 2116(k). A willful failure to comply with an order is punishable by contempt. Id. § 2116(m).
17 Id. § 2116(f), (p).
19 262 S.W.2d 373 (Ky. 1953).
22 Duncan v. Smith, 262 S.W.2d 373 (Ky. 1953) ; Freeman v. Freeman, 226
that in some jurisdictions the respondent may be required to post a
bond or that he may be put on probation. Furthermore, the civil
nature of the proceeding precludes objection on the ground that the
law is ex post facto in violation of Article I, Section 10, of the
Constitution. The question of whether the law impairs the obli-
gation of contracts was decided in Smith v. Smith. The action was
commenced by a divorced wife against her ex-husband for support of
their minor children. In granting an order of support, the court held
that a divorce decree is not that type of contract contemplated by the
Federal Constitution. In addition to the above objections, the com-
 pact clause of the Federal Constitution has been offered as an argu-
ment against constitutionality. It must be observed, however, that
the reciprocal law bears no aspect of a compact between the states
since each state is free to repeal or amend the law at any time.

In the instant case, the Court of Appeals passed upon the consti-
tutionality of the New York law for the first time; and, in disposing
of the respondent’s arguments, the Court adopted the same reasoning
heretofore used in other jurisdictions. That such legislation is not
prohibited by specific constitutional provisions has been pointed out
by decisions in the various cases upholding its validity. The factual
pattern of the present case illustrates the value of reciprocal support
laws, but in a larger sense it demonstrates the propriety of reciprocal
legislation which erases artificial barriers erected by state lines.
Similar legislation in other fields will promote the ends of justice by
eliminating the jurisdictional difficulties raised by a federal form of
government.

TORTS—LIBEL AND SLANDER—ORAL EXTEMPOREOUS REMARKS OVER TELEVISION HELD LIBELOUS.—Plaintiff brought an
action for libel alleging extemporaneous defamatory statements over
defendant-television broadcasting station by defendant-master of cere-
monies as to his being deeply in debt. Defendants made a motion to
dismiss contending that a complaint which alleges false oral remarks
does not state a cause of action in libel. The Court in denying the