

IMPORTANT MATTERS

LEGAL AFFAIRS FINALLY SETTLED



AFTER an extended hearing before Commissioner of Indian Affairs, Cato Sells, his decision recently rendered in what is known in the Indian Office as the Grace Cox Inheritance Case was approved by the Secretary of the Interior, and thereby the Department has indicated a policy which will hereafter govern in the disposition of all Indian heirship matters and administration of restricted estates.

The effect of this decision is to confer upon the Secretary of the Interior full power to determine the personnel or domestic status of claimants as heirs of deceased Indian allottees, and where the intent of a legal action has been in violation of the spirit of Congressional enactments or in derogation of Indian rights, to make a finding consonant with equity.

In the Act of June 25, 1910, and the amendatory Act of February 14, 1913, Congress settled the confusing question of probate jurisdiction in Indian trust estates by directing the Secretary of the Interior, upon notice and hearing of such rules as he might prescribe, to determine the legal heirs of deceased allottees, and his action was given the force of a final court decree by the declaration that "his decision thereon shall be final and conclusive." Thereupon the Federal Courts dismissed as outside their jurisdiction all pending trust inheritance suits.

The Grace Cox case involved lands on the Omaha Reservation valued at over twenty thousand dollars. The contestants were the nearest of kin of the decedent and an Indian who claimed as the decedent's legally adopted daughter. The adoption decree issued in the County Court of Thurston County, Nebraska, in 1902, was twice upheld in the same Court in administration proceedings on two of the allotments involved, and was again upheld on appeal to the District Court. It then went to the Supreme Court of the State, where it was dismissed on action of the appellant, and was afterwards sustained by a former secretary. Irregularities in procedure and circumstances suggestive of imposition on the allottees lead to a thorough review on rehearing of all matters appearing in the Court's record of procedure and evidence in connection with the hearing before Commissioner Sells, and his finding was that there was no considerations of justice to be served by the adoption or by recognition of the relations conferred in degree, and the status of the adopted child alleged by the claimant was accordingly rejected and the estate was awarded to the decedent's blood related heirs, thereby revers-