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Hood Vs. Mcgehee

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Court : US Supreme Court

Decided On : Jun-01-1915

Appeal No. : 237 U.S. 611

Appellant : Hood

Respondent : Mcgehee

Judgement :

Hood v. McGehee - 237 U.S. 611 (1915)
U.S. Supreme Court Hood v. McGehee, 237 U.S. 611 (1915)

Hood v. McGehee

No. 281

Submitted May 13, 1915

Decided June 1, 1915

237 U.S. 611

APPEAL FROM THE CIRCUIT COURT OF APPEALS

FOR THE FIFTH CIRCUIT

SYLLABUS

A state may in its statute of descent exclude children adopted by proceedings in other states, as Alabama has done, without violating any federal right.

The construction of a contract of adoption as complying with the law of the state where made, but as not giving any rights in the state where the property is situated because the law of descent of the latter state excludes children adopted in any other state, does not deny the adoption full faith and credit.

An adoption, although good in the state where made, cannot acquire a greater scope in other states than their laws give to it by reason of the adoptors' expectation that it will be effective in other states. 199 F. 989, affirmed.

The facts, which involve the construction of an instrument of adoption and the question of whether full faith and credit was given thereto in an action in another state, are stated in the opinion.

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MR. JUSTICE HOLMES delivered the opinion of the Court.

This is a bill to quiet title to land in Alabama. It was dismissed by the circuit court on demurrer, and the decree was affirmed without further discussion by the circuit court of appeals. 189 F. 205, 199 F. 989. The plaintiffs and appellants are children of the late General Hood, and were adopted in Louisiana in 1880 by George T. McGehee, who bought the property in question in 1886. The defendants are McGehee's heirs if the Louisiana adoption does not entitle the plaintiffs to the Alabama land. The bill sets up that the adoption did entitle them to it by virtue of Article IV, 1, of the Constitution of the act of Congress in pursuance of the same, entitling the Louisiana record to full faith and credit. By the instrument of adoption, the McGehees

"bind and obligate themselves to support, maintain and educate [the plaintiffs] as if they were their own children, and hereby invest them with all the rights and

benefits of legitimate children in their estate,"

and the bill further sets up that the latter clause constituted a contract with the plaintiffs so to invest them. It alleges services as children to McGehee, and also an advance to him of $8,600, being the plaintiffs' share of the Hood Relief Fund collected in the Southern states. Finally, a familiar letter of McGehee to the plaintiffs, which has been probated as a will in Mississippi, where McGehee lived, but is not alleged to have been admitted to probate in Alabama, is set forth, *valeat quantum.* It states that, with immaterial exceptions, "everything else of mine is to be yours equally divided," and that the letter will be valid as a will.

The alleged will is relied upon only as confirming the intent supposed to be expressed by the instrument of adoption, and as showing that, if the bill is dismissed, it should be dismissed without prejudice. As there seems to be no ground for supposing that it could take effect on real estate

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in Alabama, it may be laid on one side. The other contentions were correctly disposed of by Judge Grubb in an accurately reasoned opinion. The Alabama statute of descents as construed by the supreme court of the state excludes children adopted by proceedings in other states. *Brown v. Finley,* 157 Ala. 424; *Lingen v. Lingen,* 45 Ala. 410. There is no ground upon which we can go behind these decisions, and the law, so construed, is valid. The construction does not deny the effective operation of the Louisiana proceedings, but simply reads the Alabama statute as saying that, whatever may be the status of the plaintiffs, whatever their relation to the deceased by virtue of what has been done, the law does not devolve his estate upon them. There is no failure to give full credit to the adoption of the plaintiffs in a provision denying them the right to inherit land in another state. Alabama is sole mistress of the devolution of Alabama land by descent. *Olmsted v. Olmsted,* 216 U. S. 386 .

The language relied upon as a contract was simply the language of adoption used in the duly authorized notarial act. It had its full effect by constituting the plaintiffs

adopted children under the Louisiana law. It gave them whatever rights the Louisiana law attempted and was competent to give them as such children, and it did not purport to do more. As matter of supererogation, we may repeat the remark of Judge Grubb that the proceeding gave the children all that was expected at the time, as it was effective in Louisiana and recognized in Mississippi, and that it cannot acquire a greater scope on the strength of a subsequent purchase in Alabama, or from McGehee's mistaken expectation that the land would descend to them.

Decree affirmed.

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