

Case No. 58.

ADAMS v. KINCAID.

[2 Cranch, C. C. 422.]<sup>1</sup>

Circuit Court, District of Columbia.

Oct. Term, 1823.

JUSTICE OF THE PEACE—JURISDICTION IN DISTRICT OF COLUMBIA—ACT OF MARCH 1. 1823.

A justice of the peace, under the act of congress for extending the jurisdiction of justices of the peace, has not jurisdiction of suits against administrators.

At law. Adams brought suit, by a warrant of arrest, against Kincaid, administrator of McPhail, for services rendered by the plaintiff to McPhail in his lifetime. The account was proved and passed by the orphans's court. The warrant was returnable on the 13th of August, 1823, before Mr. Moulder, a justice of the peace, who adjourned the cause for consideration to the 18th, and again to the 20th, when "after a full hearing," he rendered judgment for the defendant, for costs, \$1.16.

Upon the appeal Mr. Dunlop, for appellee, contended that a justice of the peace has no jurisdiction in suits against administrators.

Mr. Wallach, for appellant, referred to the new act of congress of the 1st March, 1823, (3 Stat. 743,) extending the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia, by which it is enacted, "that from and after the 1st day of June next," (1823,) "in all cases where the real debt and damages do not exceed the sum of \$50, exclusive of costs, it shall and may be lawful for any one justice of the peace of each respective county in the District of Columbia, wherein the debtor doth reside, to try, hear, and determine the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences of both parties, to give judgment according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such justices of the peace are now authorized and empowered to do when the debt and damages do not exceed the sum of \$20, exclusive of costs."

THE COURT, (THRUSTON, Judge, absent,) was at first inclined to the opinion, that the justice of the peace had jurisdiction under the new act; but, after further consideration, affirmed the judgment, with costs.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]