

APPELLATE COURT OF ILLINOIS

Jacobson v. Austin

222 Ill. App. 491 (Ill. App. Ct. 1921) · Decided November 2, 1921

SUMMARY

The Illinois Appellate Court held that a justice of the peace's judgment was valid despite informal entries and the use of a firm name. Because the judgment, execution, and levy were valid, and the declaration alleged no other facts establishing liability, the court affirmed judgment for the defendants.

CASE DETAILS

COURT	Appellate Court of Illinois
WRITING FOR THE COURT	Presiding Justice Dibell
JURISDICTION	Illinois
DECIDED	November 2, 1921
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jacobson brought an action of trespass in the circuit court challenging the seizure and sale of corn under an execution issued by a justice of the peace. The circuit court sustained demurrers to his amended declaration, entered judgment in bar after Jacobson elected to stand on the amended declaration, and Jacobson appealed.
STANDARD OF REVIEW	Review of the judgment sustaining demurrers to the amended declaration, accepting well-pleaded factual allegations but determining whether they stated a viable trespass claim.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Bent Jacobson v. Austin, Sargent

TOPICS

pleadings civil procedure trespass appellate procedure standard of review

PRACTICE AREAS

civil procedure torts appellate procedure

QUESTIONS PRESENTED

1. Whether the justice of the peace's docket entry constituted a valid judgment despite the use of a firm name and the absence of technical precision and formality.
2. Whether the execution, levy, and resulting seizure and sale were invalid so as to support a trespass action against the justice and constable.
3. Whether the amended declaration alleged sufficient facts to state a trespass claim.

HOLDINGS

1. A judgment entered by a justice of the peace is valid when its meaning is plain and the entries show the parties, the nature of the action, the verdict, the damages, and that judgment was rendered against the defendant, even though the entry lacks the precision and formality required of a court of record.
2. The use of a firm name in the title of an action before a justice of the peace does not invalidate the proceeding absent a proper verified denial putting the identity or composition of the firm in issue.
3. Because the justice's judgment was valid, the execution and levy were valid, and the declaration did not state a trespass claim against the justice or constable.

KEY QUOTATIONS

"It is well settled in this State that the same precision and formality is not required in the judgments of a justice of the peace as is required of courts of record."

"We are of opinion that, tested by the requirements as to proceedings before justices, this was a valid judgment against Jacobson for \$15 and costs."

FACTUAL BACKGROUND

A justice of the peace entered a proceeding titled Joseph Fleming & Son v. Bent Jacobson, involving a jury trial, a verdict for the plaintiff, damages of \$15, and a judgment for \$15 and costs. Constable Sargent enforced an execution issued by Justice Austin, and Jacobson alleged that the execution and the resulting seizure and sale of corn were unlawful because no valid judgment existed. The alleged defect was the use of the firm name Joseph Fleming & Son rather than the names of the individual partners; personal jurisdiction and service were not denied.

PROCEDURAL HISTORY

The circuit court of Iroquois County sustained demurrers to Jacobson's amended declaration and entered judgment in bar for the defendants. The Appellate Court of Illinois affirmed.

DISPOSITION

affirmed

CASES CITED

- Bennett v. Karasik, 164 Ill. App. 362

- Lancaster v. Lane, 19 Ill. 242
- Madison County Court v. Rutz, 63 Ill. 65
- Bliss v. Harris, 70 Ill. 343
- Brennan v. Shinkle, 89 Ill. 604
- Robinson v. Magarity, 28 Ill. 423

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