

ILLINOIS SUPREME COURT

Bradwell v. Wilson

158 Ill. 346 (Ill. 1895) · Decided October 11, 1895

SUMMARY

The court held that a justice of the peace has jurisdiction over an action against an administrator on a claim against the estate, where the amount does not exceed \$200, and that a judgment directing payment as a claim of the seventh class is valid. The probate court should allow such a judgment as a claim.

CASE DETAILS

COURT	Illinois Supreme Court
WRITING FOR THE COURT	Baker
JURISDICTION	Illinois
DECIDED	October 11, 1895
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Appellate Court for the First District, which affirmed the circuit court's dismissal of a petition to allow a claim against an estate.
STANDARD OF REVIEW	De novo on questions of law, including jurisdiction.
PRECEDENTIAL VALUE	Published
PARTIES	Bradwell v. Wilson

TOPICS

probate procedure

creditor claims

estate administration

subject matter jurisdiction

civil procedure

PRACTICE AREAS

Probate

Civil Procedure

QUESTIONS PRESENTED

- Whether a justice of the peace has jurisdiction of an action against an administrator upon an alleged cause of action against his intestate.

2. Whether a judgment against an administrator that directs payment 'as a claim of the seventh class' is erroneous.
3. Whether presenting a certified copy of a regularly obtained judgment to the probate court is proper practice to establish a claim against an estate.

HOLDINGS

1. A justice of the peace has jurisdiction over an action against an administrator on a cause of action against the intestate when the amount claimed does not exceed \$200 and the action is of a character within the justice's statutory jurisdiction.
2. The fact that a judgment against an administrator directed payment of the sum recovered, with costs, 'as a claim of the seventh class' does not make the judgment erroneous.
3. A claim against a deceased person's estate is established in probate by filing a certified copy of a judgment regularly obtained against the personal representative.

KEY QUOTATIONS

*"The claims required to be presented by section 60, chapter 3, at the term of the county court fixed upon for the adjustment of claims against the estate, are those which have not been liquidated or established and upon which it is necessary to hear evidence, and not those that have been reduced to judgment, binding upon the executors or administrators. * * And the same may be said in regard to bringing suit against the executor or administrator under the next section,—the 61st. Such suits are not to be brought on a judgment already binding the executor or administrator, but on a claim not established as a legal charge against the estate, and upon which there is to be a regular trial, as in any other cause in law, and a judgment of the court rendered."* (158 Ill. at 346)

"If these two clauses [referring to clauses 10 and 11, supra,] had been left out of the statute, the preceding provisions might be construed as conferring jurisdiction on justices of the peace, in actions by or against executors or administrators, to the extent of \$100; but being introduced, they must be understood as qualifying and restraining the operation of the general provisions to cases in which neither executors nor administrators are parties." (158 Ill. at 346)

FACTUAL BACKGROUND

Appellant, administrator of one estate, obtained a judgment in assumpsit against appellee, administrator of another estate, before a justice of the peace in Cook County. The judgment was to be paid 'as a claim of the seventh class, in due course of administration.' Appellant presented the judgment to the probate court seeking allowance as a claim of that class. The probate court and circuit court denied the petition, and the Appellate Court affirmed. The sole issue is whether a justice of the peace has jurisdiction over an action against an administrator on a cause of action against the intestate.

PROCEDURAL HISTORY

The intestate represented by appellant recovered a judgment in assumpsit against appellee as administrator before a justice of the peace. The judgment was presented to the probate court by petition to be allowed as a

claim of the seventh class. The probate court and circuit court denied the prayer and dismissed the petition. The Appellate Court affirmed, and this appeal followed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause is remanded to the probate court for further proceedings consistent with the opinion, i.e., to allow the claim as a claim of the seventh class.

CASES CITED

- Williams v. Blankenship, 12 Ill. 122 (1847)
- Hutchinson v. Hutchinson, 152 Ill. 347 (1894)
- Darling v. McDonald, 101 Ill. 370 (1881)
- McCall v. Lee, 120 Ill. 261 (1887)