

Fenwick Vs. Sears' Administrators

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Court : US Supreme Court

Decided On : 1803

Appeal No. : 5 U.S. 259

Appellant : Fenwick

Respondent : Sears' Administrators

Judgement :

Fenwick v. Sears' Administrators - 5 U.S. 259 (1803)

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Fenwick v. Sears' Administrators

5 U.S. (1 Cranch) 259

ERROR TO THE CIRCUIT COURT OF THE DISTRICT

OF COLUMBIA FOR THE COUNTY OF WASHINGTON

SYLLABUS

An administrator, having had letters of administration in Maryland, before the separation of the District of Columbia from the original states, cannot after that

separation maintain an action in that part of the District of Maryland by virtue of those letters of administration, but must take out new letters within the District.

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The only point decided by the Court was upon the validity of the letters of administration under which this action was brought in the circuit court by the administrators of Sears.

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On the 25th of February, the Court gave the following judgment:

"It is decreed by the Court that the defendants Stricker and Payson, not having obtained letters of administration in the District of Columbia, were not competent to maintain this action, and that the Circuit Court of the United States in and for the said District erred in overruling the demurrer. It is therefore considered by the Court that the judgment of the said circuit court on the said demurrer be and the same is hereby reversed, and that judgment thereon be rendered for the defendant in the original action."

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