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Dixon's Executors Vs. Ramsay's Executors

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Court : US Supreme Court

Decided On : 1806

Appeal No. : 7 U.S. 319

Appellant : Dixon's Executors

Respondent : Ramsay's Executors

Judgement :

Dixon's Executors v. Ramsay's Executors - 7 U.S. 319 (1806)
U.S. Supreme Court Dixon's Executors v. Ramsay's Executors, 7 U.S. 3 Cranch 319 319 (1806)

Dixon's Executors v. Ramsay's Executors

7 U.S. (3 Cranch) 319

ERROR TO THE CIRCUIT COURT

OF THE DISTRICT OF COLUMBIA

SYLLABUS

An executor cannot maintain a suit in the District of Columbia upon letters testamentary granted in a foreign country.

All rights to the testator's personal property are to be regulated by the laws of the country where he lived, but suits for those rights must be governed by the laws of that country in which the tribunal is placed.

Error to the Circuit Court of the District of Columbia upon a judgment in favor of the defendants upon a general demurrer to their plea, which (after oyer of the plaintiff's letters testamentary) stated that the defendants' testator, at the time of making the promises, &c.;, and from thence always until his death, resided in the Town of Alexandria, in the County of Alexandria, in the District of Columbia, and that the defendants have always resided in the same town, and that the plaintiffs have not obtained probate of the said

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letters testamentary, at any place within the District of Columbia, or the United States of America.

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

The question in this case is whether the executor of a person who dies in a foreign country can maintain an action in this by virtue of letters testamentary granted to him in his own country.

It is contended that this case differs from that of an administrator which was formerly decided in this Court because an administrator derives his power over the estate of his intestate, from the grant of the administration, but an executor derives it from the will of his testator, which has invested him with his whole personal estate, wherever it may be.

This distinction does certainly exist, but the consequences deduced from it do not seem to follow. If an executor derived from the will of his testator, a power to maintain a suit, and obtain a judgment for a debt due to his testator, it would seem reasonable that he should exercise that power, wherever the authority of the will

was acknowledged, but if he maintains the

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suit by virtue of his letters testamentary, he can only sue in courts to which the power of those letters extends. It is not and cannot be denied that he sues by virtue of his letters testamentary, and consequently in this particular he comes within the principle which was decided by the court in the case of an administrator.

All rights to personal property are admitted to be regulated by the laws of the country in which the testator lived, but the suits for those rights must be governed by the laws of that country in which the tribunal is placed. No man can sue in the courts of any country, whatever his rights may be, unless in conformity with the rules prescribed by the laws of that country.

The Court can perceive the inconvenience which may often result from this principle, but it is an inconvenience for which no remedy is within the reach of this tribunal.

Judgment affirmed.

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