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Court : US Supreme Court

Decided On : 1841

Appeal No. : 40 U.S. 1

Appellant : Vaughan

Respondent : Northup

Judgement :

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40 U.S. (15 Pet.) 1

APPEAL FROM THE CIRCUIT COURT OF THE DISTRICT

OF COLUMBIA AND COUNTY OF WASHINGTON

A bill was filed on the equity side of the Circuit Court of the District of Columbia stating that the complainants were the next of kin and distributees of James Moody, deceased, who resided in Kentucky at the time of his death; that the defendant, Northup, took out letters of administration on the estate of said Moody, in the proper court in Kentucky, and by virtue of said letters claimed and received

from the government of the United States a large sum of money, to-wit, $5,200. The bill further stated that the complainants resided in Virginia; that Northup was in the District of Columbia at the time of filing the bill (and Northup was actually found in the District, as appeared by the marshal's return of the subpoena), and that the other defendants resided in Kentucky, and pretended to be the next of kin and distributees of said Moody. The bill prayed an account of said estate against said Northup and distribution of the assets received from the United States, &c.;

Northup answered and pleaded to the jurisdiction of the court on the ground, that he was only responsible to the court in Kentucky, in which he had obtained letters of administration; he then went on and answered the bill at large, denying all its material allegations. The other defendants also came in and answered the bill. The complainants ordered the plea of Northup to the jurisdiction of the court to be set down for argument, and upon the argument the court below ordered the bill of complaint to be dismissed. The complainants appealed to the Supreme Court.

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STORY, JUSTICE, delivered the opinion of the Court.

This is an appeal from a decree of the Circuit Court of the District of Columbia, sitting for the County of Washington,

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dismissing a bill in equity brought by the appellants against the appellees. The facts, so far as they are necessary to be stated upon the present occasion, are that one James Moody, an inhabitant of Kentucky, died in that state about the year 1802, intestate, without leaving any children; that in May or June, 1833, the defendant, Northup, obtained letters of administration upon his estate from the proper court of Jefferson County, in Kentucky, and afterwards, under and in virtue of those letters of administration, he received from the Treasury of the United States the sum of $5,215.56 for money due to the intestate or his representatives for military services rendered during the Revolutionary War. The present bill was

brought by the appellants, claiming to be the next of kin and heirs of the intestate, for their distributive shares of the said money, against Northup, as administrator, and the other defendants, who are made parties, are asserted to be adverse claimants as next of kin and distributees. At the hearing of the cause in the court below, the same having been set down for argument upon the plea of Northup denying the jurisdiction of the court, the bill was ordered to be dismissed for want of jurisdiction, and from that decree the present appeal has been taken.

Under these circumstances, the question is broadly presented whether an administrator appointed and deriving his authority from another state is liable to be sued here in his official character for assets lawfully received by him under and in virtue of his original letters of administration. We are of opinion, both upon principle and authority, that he is not. Every grant of administration is strictly confined in its authority and operation to the limits of the territory of the government which grants it, and does not, *de jure,* extend to other countries. It cannot confer as a matter of right any authority to collect assets of the deceased in any other state, and whatever operation is allowed to it beyond the original territory of the grant is a mere matter of comity which every nation is at liberty to yield or to withhold according to its own policy and pleasure with reference to its own institutions and the interests of its own citizens. On the other hand, the administrator is exclusively bound to account for all

the assets which he receives, under and in virtue of his administration, to the proper tribunals of the government from which he derives his authority, and the tribunals of other states have no right to interfere with or to control the application of those assets according to the *lex loci.* Hence it has become an established doctrine that an administrator appointed in one state cannot in his official capacity sue for any debts due to his intestate in the courts of another state, and that he is not liable to be sued in that capacity in the courts of the latter by any creditor for any debts due there by his intestate. The authorities to this effect are exceedingly numerous both in England and America, but it seems to us unnecessary in the present state of the law to do more than to refer to the leading principle as

recognized by this Court in *Fenwick v. Sears,* 1 Cranch 259, *Dixon's Executors v. Ramsay's Executors,* 3 Cranch 319, and *Kerr v. Moon,* 9 Wheat. 565.

But it has been suggested that the present case is distinguishable because the assets sought to be distributed were not collected in Kentucky, but were received as a debt due from the government at the Treasury Department at Washington, and so constituted local assets within this District. We cannot yield our assent to the correctness of this argument. The debts due from the government of the United States have no locality at the seat of government. The United States, in its sovereign capacity, has no particular place of domicile, but possesses in contemplation of law a ubiquity throughout the Union, and the debts due by it are not to be treated like the debts of a private debtor, which constitute local assets in his own domicile. On the contrary, the administrator of a creditor of the government, duly appointed in the state where he was domiciled at his death, has full authority to receive payment and give a full discharge of the debt due to his intestate in any place where the government may choose to pay it, whether it be at the seat of government or at any other place where the public funds are deposited. If any other doctrine were to be recognized, the consequence would be, that before the personal representative of any deceased creditor, belonging to any state in the Union, would be entitled to receive payment of any debt due by the government, he would be compellable to take out letters of administration in this District

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for the due administration of such assets. Such a doctrine has never yet been sanctioned by any practice of the government, and would be full of public as well as private inconvenience. It has not, in our judgment, any just foundation in the principles of law. We think that Northup, under the letters of administration taken out in Kentucky, was fully authorized to receive the debt due from the government to his intestate, but the moneys so received constituted assets under that administration for which he was accountable to the proper tribunals in Kentucky, and that distribution thereof might have been, and should have been, sought there in the same manner as of any other debts due to the intestate in Kentucky.

It has also been supposed that the act of congress of 24 June 1812 may well entitle the appellants to maintain the present suit, since it places a foreign administrator upon the footing of a domestic administrator in the District of Columbia. That act provides that it shall be lawful for any person to whom letters testamentary or of administration have been or may hereafter be granted by the proper authority in any of the United States or the territories thereof to maintain any suit or action, or to prosecute and recover any claim in the District of Columbia in the same manner as if the letters testamentary or of administration had been granted to such person by the proper authority in the said District. It is observable that this provision is limited by its terms to the maintenance of suits and the prosecution and recovery of claims in the District by any executor or administrator appointed under the authority of any state. It does not authorize any suits or actions in the District against any such executor or administrator. Its obvious design was therefore to enable foreign executors and administrators to maintain suits and to prosecute and recover claims in the District not against the government alone, but against any persons whatever resident within the District who were indebted to the deceased, and to discharge the debtor therefrom without the grant of any local letters of administration. In effect, it made all debts due from persons within the District not local assets, for which a personal representative would be liable to account in the courts of the District, but general assets which he had full authority to receive and for which he was bound to account in

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the courts of the state from which he derived his original letters of administration. Indeed, the very silence of the act as to any liability of the personal representative to be sued in the courts of the District for such assets so received would seem equivalent to a declaration that he was not to be subjected to any such liability. It fortifies, therefore, rather than weakens, the conclusion which is derivable from the general principles of law upon this subject. The same view of the purport and objects of the act was taken by this Court at the last term in the case of *Kane v. Paul,* 14 Pet. 33.

Upon the whole we are of opinion that the circuit court was right in dismissing the bill for the want of jurisdiction, and therefore the decree is

Affirmed with costs.