
 Clark v. Cornelius.

ISAAC CLARK, Appellant, v. JOSEPH CORNELIUS, Appellee.

APPEAL FROM ST. CLAIR.

A justice of the peace has no power to investigate an account exceeding \$100, though it may be reduced by credits to a sum less than \$100.

CLARK exhibited to a justice of the peace for St. Clair county, an account amounting, in all the items, to \$176, against Cornelius, on which account there was given a credit of \$77, leaving a balance due of \$99. The justice gave judgment in favor of Clark, from which Cornelius appealed to the circuit court. The circuit court decided, that the justice of the peace had no jurisdiction, and dismissed the suit; from which decision Clark appealed, and assigned that decision as error.

Opinion of the Court by Justice JOHN REYNOLDS. The act defining the duties of justices of the peace, gives the justices jurisdiction in all cases of contract for the payment of money, where the sum demanded does not exceed one hundred dollars.*

Under this act, a justice has no power to investigate any account or other claim, exceeding one hundred dollars. When the credit is applied to the claim exhibited, it reduces it below one hundred dollars, yet the justice would have to investigate the whole amount of \$176, as the credit was not applied to any particular item or charge in the account, so as to extinguish it. This power, the legislature never intended to give justices of the peace. We are of opinion that the circuit court decided correctly that the justice had no jurisdiction, and we, therefore, affirm the judgment. (1)

Judgment affirmed.

* Laws of 1819, page 185.

(1) This decision was followed and approved in the following cases: *Maurer v. Derrick*, post. *Ellis v. Snider*, id. *Blue v. Weir et al.*, id. But this is now changed by statute. The provisions of the statute giving jurisdiction to justices of the peace, now in force, are as follows:

"Justices of the peace shall have jurisdiction in their respective counties, to hear and determine all complaints, suits and prosecutions of the following description:

"In actions of debt on bonds, contracts, agreements, promissory notes, or other instruments in writing, in which the amount claimed to be due does not exceed one hundred dollars.

"In actions of assumpsit upon any contract or promise, verbal or written, express or implied, for a valuable consideration, in which the amount claimed to be due does not exceed one hundred dollars.

"In suits for money claimed to be due upon unsettled accounts, in which the balance claimed to be due does not exceed one hundred dollars." *Scates' Comp.*, page 686. *Purple's Statutes*, page 662. There are also other provisions giving jurisdiction to justices, but these are the principal ones which relate to the decision in question.