

PARKER *v.* MAYO.

Opinion delivered October 22, 1904.

PROBATE COURT—JURISDICTION.—The probate court has no jurisdiction of a claim against an estate for services rendered by an attorney employed by an executor to prosecute an action on behalf of the estate. *Pike v. Thomas*, 62 Ark. 223, followed.

Appeal from Monroe Circuit Court.

GEORGE M. CHAPLINE, Judge.

Affirmed.

Parker & Parker, attorneys, sued R. D. Mayo, executor of W. M. Mayo, deceased, in the probate court to recover the sum of \$200 for professional services rendered by them on behalf of the estate under employment by such executor. From a judgment of allowance the executor appealed to the circuit court, where a motion to dismiss for want of jurisdiction was sustained, and plaintiffs appealed.

Thomas & Lee, for appellants.

Grant Green, for appellee.

The probate court had no jurisdiction. Const. Ark. art. 7. § § 11, 34, 40; 15 Ark. 384; 61 Ark. 410; 62 Ark. 223; 65 Ark. 443.

WOOD, J. The question here is, can an attorney maintain a suit in the probate court against the estate of a deceased person for legal services rendered the estate by contract with the executor thereof? He cannot. *Tucker v. Grace*, 61 Ark. 410; *Pike v. Thomas*, 62 Ark. 223; *Pike v. Thomas*, 65 Ark. 443. Affirmed.
