

Case No. 512. **ARDREY v. WADSWORTH.**
[1 Cranch, C. C. 109.]¹

Circuit Court, District of Columbia.

Dec. Term. 1802.

INSOLVENCY—EFFECT OF DISCHARGE—PENDING ACTION.

A plaintiff who has been discharged under the insolvent act of Maryland, of 1774, since the commencement of the action, is still competent to maintain it.

[See note at end of case.]

At law. Assumpsit. Non assumpsit and issue. The defendant offered evidence that the plaintiff had been released under the insolvent act of 1774, c. 28. since the bringing of this suit, and contended that the plaintiff's right of action was transferred to the marshal. and so the plaintiff has no subsisting cause of action.

THE COURT was of opinion that the plaintiff can still support the action. CRANCH, Chief Judge, doubting.

[NOTE. Act Md. 1774, c. 28, provided for the discharge of an insolvent debtor from imprisonment in certain cases, upon his filing a schedule of his assets, and turning the same over to the sheriff for the benefit of his creditors. Repealed by Act 1817, c. 183.]

¹ [Reported by Hon. William Cranch, Chief Judge.]