

Case No. 928. BANK OF THE UNITED STATES v. McLAUGHLIN.
[2 Cranch, C. C. 20.]¹

Circuit Court, District of Columbia.

Dec. Term, 1810.

CORPORATIONS—DISSOLUTION—ABATEMENT OF SUITS—BANK OF UNITED STATES.

The expiration of the charter of the Bank of the United States on the 4th of March, 1811, abated all suits then pending in the name of the president, directors, and company of that bank.

[See *Smith v. Frye*, Case No. 13,049; *First Nat Bank v. Colby*, 21 Wall. (88 U. S.) 609.]

F. S. Key, for the defendant, pleaded in abatement, that since the last continuance, the charter of the Bank of the United States had expired by the limitation contained in the third section.

To this plea, the plaintiffs demurred.

This action [by the president, directors, and company of the bank of the United States against McLaughlin's administrator] was brought on the 23d December, 1809. The charter expired on the 4th of March, 1811, previous to which time the bank had made a general assignment of all its effects to David Lenox and others, in trust, for the purpose of closing its concerns; and this suit had, by the clerk of this court, been entered for the use of the trustees before the expiration of the charter.

Mr. Caldwell, for the plaintiffs, contended that the corporation was not entirely extinct, as by the 10th section of the charter, its notes were still receivable in all payments to the United States.

THE COURT, however, (nem. con.) was of opinion that the expiration of the charter abated the suit, there being no legal plaintiff.

Judgment for the defendant.

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