

Case No. 1,886.

In re BRISCO.

[2 N. B. R. (1869) 226 (Quarto, 78); 1 Gaz. 78.]¹

District Court,² District of Columbia.

BANKRUPTCY—RIGHTS OF CREDITORS WHO HAVE PROVED THEIR DEBTS—NONPROVING CREDITORS ENTITLED TO BALANCE AFTER PAYING DEBTS PROVED.

1. A creditor ought not to be heard until he has proved his claim, and he has no right to be heard in any other character than that of a creditor.
2. The trial of all questions relating to the bankrupt's discharge should be postponed till the hearing of his petition for discharge.

In bankruptcy.

The following decision has been given by Judge WYLIE, of Washington:

First. Until a creditor has proved his claim he ought not to be heard as a creditor, and he has no right to be heard in any other character.

Second. Where a creditor wishes to oppose the discharge of a bankrupt on the ground that he has committed fraud, or done, suffered, or been privy to some act specified in the bankrupt act as a ground for withholding such discharge, the orderly conduct of the business requires that the trial of all such questions should be postponed till the hearing of the petition for discharge.

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² [The United States circuit court for the District of Columbia was abolished by Act March 3, 1863, and its jurisdiction conferred upon the supreme court of the district. The statute further provided that any one of the justices of such court “may hold a district court of the United States for the District of Columbia, in the same manner and with the same powers and jurisdiction possessed and exercised by other district courts of the United States.” 12 Stat. 763, § 3.]