

Case No. 5,865.

GULICK'S EX'RS v. McIVER.

[3 Cranch, C. C. 650.]¹

Circuit Court, District of Columbia.

Nov Term, 1829.

BANKRUPTCY—AUTHORITY OF COMMISSIONERS—ACT OF 1800.

An assignee under the bankrupt law of 1800 [2 Stat. 19] cannot deny the authority of the

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commissioners under whom he received the property of the bankrupt.

This suit was brought to recover a dividend of the property of Josiah Watson, a bankrupt, which had been declared by the commissioners. The defendant [Watson's assignee] demurred to the evidence; which, among other things, stated that Jonah Thompson, one of the commissioners under the bankrupt act of 1800, who declared the dividends, was himself a creditor of Watson.

Mr. Swann, for defendant, contended that Mr. Thompson was incompetent to act as a commissioner, by reason of his interest.

Mr. Taylor, contra. Mr. McIver cannot deny the authority of the commissioners under whom he has received the property of the bankrupt. He claims to hold under their assignment.

THE COURT (nem. con.) rendered judgment for the plaintiff on the demurrer.

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