

## MOORE v. VOSS.

{1 Cranch. C. C. 179.}<sup>1</sup>

Circuit Court, District of Columbia. July Term, 1804.

PAYMENT—DISCHARGE IN  
BANKRUPTCY—EVIDENCE—HOW PROVED.

1. Bankruptcy of the plaintiff cannot be proved by parol.
2. If the original entries are lost, a copy may be given in evidence.

Assumpsit for goods sold and delivered.

Mr. Hewitt, for defendant {Nicholas Voss} offered parol evidence to prove the bankruptcy of the plaintiff {Thomas Moore} and assignment of his effects, to show that the plaintiff could not maintain the action. Refused.

At the prayer of the defendant's counsel, THE COURT (KILTY. Chief Judge, absent) gave the following direction to the jury: That if they should be of opinion, from the evidence, that the book produced is the original entry of the sale and delivery, or if they should be of opinion, from the evidence, that a former entry had been made, but that the same is now lost or destroyed, and that this book was truly copied from the original entry by the witness, then this book is evidence; but if they should be of opinion that prior entries exist which are not produced, then this book is not evidence. Peake, Ev. 136; Church v. Perkins, 3 Term R. 749.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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