

NEVITT v. MADDOX.

{4 Cranch, C. C. 107.}<sup>1</sup>

Circuit Court, District of Columbia. Dec. Term. 1830.

SUIT BY INSOLVENT DEBTOR AFTER DISCHARGE.

An insolvent debtor discharged under the insolvent act of the District of Columbia [2 Stat. 237] cannot maintain a suit in his own name, for a cause of action which accrued before his discharge, nor can his administrator.

Assumpsit, by the administrators of Charles L. Nevitt, who had been discharged under the <sup>34</sup> “Act for the relief of insolvent debtors within the District of Columbia,” after the cause of action accrued and before the bringing of this suit.

At the trial, Mr. Coxe, for defendant [William R. Maddox], objected to evidence of any cause of action which accrued before the discharge of the plaintiff's intestate; as all his choses in action existing at the time of his discharge had passed to Mr. Dawson, the trustee appointed under the act; and this among the rest.

Tabbs & Key, for plaintiffs, contended that the action may be now entered for the use of Mr. Dawson, the trustee, and maintained in the name of the administrators.

But THE COURT (THRUSTON. Circuit Judge, absent,) was of opinion that the action could not be brought and sustained in the name of the insolvent after his discharge upon a cause of action existing at the time of his discharge. Non-pros.

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

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