

¹
Case No. 13,390. FEDERAL CASES.

BOOK 23.

A COMPREHENSIVE COLLECTION OF
DECISIONS OF THE CIRCUIT AND DISTRICT
COURTS OF THE UNITED STATES FROM
THE EARLIEST TIMES TO THE BEGINNING
OF THE FEDERAL REPORTER, (1880,)
ARRANGED ALPHABETICALLY BY THE
TITLES OF THE CASES.

N. B. Cases reported in this series are always cited herein by their numbers. The original citations can be found when desired through the table of cases.

IN RE STEVENS.

District Court, D. Massachusetts. March 20, 1877.

BANKRUPTCY—PETITION—RIGHTS OF THIRD
PARTIES—SEPARATE SUIT.

The assignee petitioned the court in bankruptcy to order Stevens, the bankrupt, to deliver to him a policy on the life of said Stevens, which being upon the endowment plan, as it is called, was said to be of considerable present value. Evidence was taken before the register which tended to show that the policy had been given by the bankrupt to his son, of tender age, some months before the bankruptcy, and when, it is insisted, he was not in a pecuniary condition to warrant his making a gift of this value. The objection taken by Stevens was that his son was not made a party to the petition, and that the proceeding should be by bill in equity. *Held*, that this objection must prevail, the supreme court having repeatedly decided that when the rights of third persons are involved in a litigation the case must be conducted as a plenary action at law or suit in equity, and not by a petition in the bankruptcy.

{Cited in 15 Alb. Law J. 351, to the point above stated. Nowhere reported; opinion not now accessible.}

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 