

Case No. 14,124.

IN RE TRACY ET AL.

{2 N. B. R. 298 (Quarto, 98); 1 Chi. Leg. News,
123.}¹

District Court, S. D. New York. Dec. 23, 1808.

BANKRUPTCY—DISCHARGE—OPPOSITION—FIDUCIARY
DEBT.

On a specification in opposition to a discharge, setting forth that a debt due by bankrupts, was created while they were acting in a fiduciary character, *held*, that the fact was no ground for withholding discharge.

{In the matter of the discharge of William W. Tracy, James Wilson, Thomas J. Strong, and Joseph U. Orvis.}

BLATCHFORD, District Judge. The specification filed by Sarah J. Irwin, executrix, is only to the effect that the debt due to her by Tracy and Wilson, was created while they were acting in a fiduciary character. This is no ground for withholding a discharge. She must show the fact in reply to a plea of the discharge in a suit on her claim.

¹ [Reprinted from 2 N. B. R. 298 (Quarto. 98), by permission. 1 Chi. Leg. News, 123, contains a partial report.]

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