

30FED.CAS.—7

Case No. 17,783.

IN RE WILSON.

{6 Law Rep. 272.}

District Court, D. Massachusetts.

Sept., 1843.

VOLUNTARY BANKRUPTCY—DISCHARGE—CONCEALMENT OF PROPERTY.

{The omission by the bankrupt of any notice, in his schedule, of property which had been attached, and a receipt given for its value, in a suit still pending, will not bar his discharge under the act of 1841 (5 Stat. 440), unless the omission was with a willful intent to conceal his property.}

In bankruptcy. This was the case of a petition by {George Wilson} a bankrupt for his discharge, a majority of his creditors having objected thereto, the bankrupt obtained a trial by jury. The objections filed by the creditors were: 1. That the bankrupt had been guilty of fraud and of wilful concealment of his property and rights of property contrary to the provisions of the law. 2. That he had preferred some of his creditors contrary to the provisions of said act. 3. Because he wilfully omitted and refused to conform to the requisitions of said act. 4. Because he had admitted false or fictitious debts against his estate. The principal ground relied on by the creditors, was, that in March, 1842, all the stock of the bankrupt, except groceries and furniture, was attached by the Kinderhook Bank, when a receipt was given on a valuation of \$900, and the suit is now pending. The receptor took the property, and the bankrupt took no notice of it in the schedule annexed to his original petition. There was considerable testimony upon this and other points, the bankrupt taking the ground that he acted under a mistake as to his duty in this particular.

Mr. Fiske, for creditors.

Mr. Gray, for bankrupt.

SPRAGUE, District Judge, in his charge instructed the jury, that they must be satisfied that the bankrupt wilfully concealed his property. If he acted in good faith, but under a mistake, his discharge ought not to be withheld.

The jury returned a verdict in favor of the bankrupt.