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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1872 edition. Excerpt: ... forever bar any prosecution of an action in any other state. The precise question in this case is whether one who alleges that he is a creditor by a debt which under the state law is barred can become a prosecutor in the court of bankruptcy, and demand that, on his petition and proofs, the respondent be adjudged a bankrupt. A conflict of opinion is found in the decisions of some of the district courts on the question whether after a debtor has been adjudged a bankrupt a debt barred by the state statute should be allowed to share in the distribution of the estate. In re.Bay, N. B. B. Sup. xliv; in re Sheppard, 1 N. B. R. 115; in re Kingsley, 1 N. B. E. 52, 66; in re Harden, 1 N. B. E. 97. Many of the views above suggested are ably presented in the discussion of that question. Incidentally to that discussion the question has arisen whether if such claims are not allowed, the discharge of the bankrupt would avail as a defence thereto, if he should afterwards be sued in another state. If it can be successfully insisted that a claimant can be permitted to prove his claim and share in the estate who could not have prosecuted the respondent and required the court to adjudge him a bankrupt, then the decision herein determines nothing on the question thus in conflict. It is, however, obvious that the views here expressed are quite pertinent to that question. It is therefore not irrelevant to add, that the apprehended consequence of In re Cornwall. leaving the discharged bankrupt exposed to prosecution and judgment for all claims barred by the laws of the state in which the discharge is granted, if he be found in another state, because they are held in the bankrupt court not to constitute the claimant a creditor, nor to entitle him to share in the...

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