

CASES

DETERMINED IN

THE SUPREME COURT

OF

NEW HAMPSHIRE.

HILLSBOROUGH, JUNE, 1881.

WHEELER & WILSON MANUFACTURING CO. v. TAFT.

A judgment upon a debt provable in bankruptcy, rendered after the defendant's petition in bankruptcy was filed, and before his discharge, is not barred by his discharge.

DEBT, on a Massachusetts judgment recovered in October, 1878. The plaintiff demurred to a plea which averred the defendant was discharged in bankruptcy, September 6, 1879, from all debts provable in bankruptcy, and existing January 9, 1877, the day of the filing of his bankruptcy petition; the judgment is founded on causes of action existing on that day, and provable in bankruptcy; and the judgment was rendered after his petition was filed, and before his discharge.

G. Y. Sawyer & Sawyer, Jr., for the plaintiff.

A. P. Stevens, for the defendant, cited *Dawson v. Hartsfield*, 79 N. C. 334; *Smith v. Kinney*, 6 Neb. 447; *Monroe v. Upton*, 50 N. Y. 593; *Pattison v. Wilbur*, 10 R. I. 448; *Ogden v. Redd*, 13 Bush. 581; *Matter of Brown*, 5 Ben. 1; *In re Rosey*, 8 Bank. Reg. 509.

DOE, C. J. For reasons given in the Massachusetts decisions, we think a defence is not stated in the plea. *Bradford v. Rice*, 102 Mass. 472; *Holland v. Martin*, 123 Mass. 278.

Demurrer sustained.

SMITH, J., did not sit: the others concurred.