

Mitchell Vs. Mcclure

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Court : US Supreme Court

Decided On : May-28-1900

Appeal No. : 178 U.S. 539

Appellant : Mitchell

Respondent : Mcclure

Judgement :

Mitchell v. McClure - 178 U.S. 539 (1900)

U.S. Supreme Court Mitchell v. McClure, 178 U.S. 539 (1900)

Mitchell v. McClure

No. 237

Submitted April 12, 1900

Decided May 28, 1900

178 U.S. 539

ERROR TO THE DISTRICT COURT OF THE UNITED STATES

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SYLLABUS

A district court of the United States has no jurisdiction, without the proposed defendant's consent, to entertain an action of replevin by a trustee in bankruptcy to recover goods conveyed to the defendant by the bankrupt in fraud of the Bankrupt Act and of his creditors. *Bardes v. Hawarden Bank, ante*, [178 U. S. 524](#) , followed.

The case is stated in the opinion of the Court.

Page 178 U. S. 540

MR. JUSTICE GRAY delivered the opinion of the Court.

This was an action of replevin in the District Court of the United States for the Western District of Pennsylvania by a trustee in bankruptcy, appointed by that court, a citizen of Pennsylvania, to recover a stock of goods, of the value of \$2,500, in the possession of the defendants, citizens of Pennsylvania and residents of that district, and alleged to have been conveyed to them by the bankrupt, within four months before the institution of proceedings in bankruptcy in fraud of the Bankrupt Act of 1898 and of the creditors of the bankrupt. The district court, on motion of the defendant, held that it had no jurisdiction to entertain such an action, and therefore ordered it to be abated. 91 F. 621. The plaintiff sued out a writ of error from this Court, and the district judge certified that the question of jurisdiction was the sole question in issue.

For the reason stated in *Bardes v. Hawarden Bank, ante*, [178 U. S. 524](#) , just decided,

The judgment is affirmed.