

Case No. 41.

IN RE ADAMS.

[5 Ben. 544.]<sup>1</sup>

District Court, S. D. New York.

March, 1872.

BANKRUPTCY—NOTICE TO CREDITORS—MARSHAL'S RETURN.

A return of the marshal that he had "sent written or printed notices to the creditors named on the schedules, and herewith returned, which schedules were made up by him on the best information he could obtain in respect thereto, after diligent search", is sufficient.

In bankruptcy. The marshal, as messenger in this case, made return to the warrant, that he had "sent written or printed notices to the creditors named on the schedules, and herewith returned, which schedules were made up by him on the best information he could obtain in respect thereto". At the meeting of creditors, one of them objected to the return, as being insufficient, in the absence of any statement that the bankrupt had not delivered to the marshal a schedule of his creditors, or had refused to deliver such schedule, or that any proceedings had been taken ineffectually to compel him to deliver such schedule, and in the absence of any statement showing the sources of the marshal's information. The register certified the question to the court, with his opinion that the return was sufficient.

BLATCHFORD, District Judge. I concur in the view of the register.

<sup>1</sup> [Reported by Robert D. Benedict, Esq., and here reprinted by permission.]