

Case No. 268.

IN RE ALTENHEIM.

[1 Ben. 431:¹ 1 N. B. R. 85; Bankr. Reg. Supp. 19; 6 Int. Rev. Rec. 117.]

District Court, S. D. New York.

Sept. 25, 1867.

APPEARANCE—PROTEST.

A person named as a creditor in a bankrupt's schedule, but who does not appear in person or by attorney duly constituted, and has not proved any debt, cannot put on file a protest against being named as a creditor.

In bankruptcy. In this case, at the first meeting of creditors, an attorney appeared on behalf of a party named in the bankrupt's schedule as a creditor by virtue of a mortgage on certain real estate of the bankrupt, executed by a former owner thereof, and asked leave to put on file a protest on his part against being named as a creditor. The bankrupt objected, and the register held that, as the party did not appear in person or by attorney duly constituted, and had not

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proved any debt, the paper could not be filed.

The question was certified to the Judge, [BLATCHFORD, District Judge,] who sustained the decision of the register.

¹ [Reported by Robert D. Benedict, Esq., and here reprinted by permission.]