

Case No. 318. IN RE AMERICAN WATER-PROOF CLOTH CO.

[1 Ben. 526; 3 N. B. R. 285, (Quarto, 74.)]¹

District Court, E. D. New York.

Oct., 1867.

APPOINTMENT OF TRUSTEES BY CREDITORS—PRACTICE ON MOVING
CONFIRMATION.

Where creditors of a bankrupt had adopted a resolution appointing trustees under section forty-three of the bankruptcy act, the confirmation of which was opposed; *Held*, That the parties desiring the confirmation of the resolution were the moving parties, and should serve their papers on the opposing parties that they might answer them.

In bankruptcy. In this case, the creditors had adopted a resolution, under section forty-three of the bankrupt act, appointing trustees, and the matter of confirming the resolution came up before the court. Some of the parties interested contested the confirmation of the resolution, and the question of the practice in such a case was discussed.

BENEDICT, District Judge, held that the parties desiring the confirmation of the resolution should be considered the moving parties, and directed that they should within a week, file and serve such papers as they saw fit in support of their motion, and that the opposing parties have two weeks to file and serve papers in opposition thereto.

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