

Case No. 1,237.

IN RE BELCHER.

12 Ben. 408; 1 N. B. R. 666, (Quarto, 202.)¹

District Court, S. D. New York.

June 22, 1868.

BANKRUPTCY—ORIGINAL JURISDICTION—PLACE OF FILING PETITION.

Where a merchant, who has resided in New York city for more than twenty years, failed in business, sold his residence in that city, and removed his family to New Jersey, and they thereafter resided there upon some property belonging to his wife, while he engaged as a clerk with his successors in business, and continued so till the filing of his petition in bankruptcy, two years after: *Held*, that his petition was properly filed in the southern district of New York.

{See *In re Little*, Case No. 8,391; *In re Watson*, Id. 17,272.}

In bankruptcy.

{Platt, Gerrard & Buckley, for bankrupt William K. Belcher filed his petition and schedules in bankruptcy, on the 19th day of February, 1868, and was duly adjudged a bankrupt His petition set forth that he had done business and had a place of business in the southern district of New York, for more than six months next immediately preceding the filing of the petition, but set forth no place of residence. The petitioner had carried on business and resided in the city of New York for more than twenty years prior to June, 1866. In the month of June in that year, he failed in business, and made a general assignment for the benefit of his creditors. He sold out his residence in the city of New York, and retired with his family to New Jersey, where they now reside upon some property which belonged to the separate estate of his wife. Immediately after his assignment he engaged as a clerk, upon a yearly stated salary, with his successors in business, and has ever since continued with them as such clerk upon such salary. All the partners of petitioner, except one, were, and now are, residents of the city of New York, and have obtained a discharge in bankruptcy in the southern district. The petitioner's creditors are, 212 In number, of whom 170 are merchants carrying on business in the city of New York. Under these circumstances, it is submitted that the petition is properly filed in the southern district of New York.}²

{By L. T. Williams, Register: Entertaining no doubt that the petition is well filed in this district I am reluctant to submit the question to the court, as it seems to me that any decision of it would be extrajudicial. But as my Brother Ketchum has submitted :a similar point (perhaps it arose in a different manner), I do not feel at liberty to decline to do so, as the party is urgent to have it done. I feel wholly incapable of adding anything to what must have already been urged or suggested itself to the court upon the subject in the former cases that have been submitted.}³

In re BELCHER.

{BLATCHFORD, District Judge. The petition was properly filed in this court. The clerk will certify this decision to the register, Isaiah T. Williams, Esq.}³

¹ [Reported by Robert D. Benedict, Esq., and here reprinted by permission; the report in 2 Ben. 468, being more condensed in form.]

² [From 1 N. B. R. 666, (Quarto, 202.)]

³ [From 1 N. B. R. 666, (Quarto, 202.)]