

Case No. 1,392.

IN RE BIDWELL.

{2 N. B. R. 229, (Quarto, [1868,] 78.)}¹

District Court, N. D. New York.

BANKRUPTCY—DISCHARGE—PERSONAL AND PARTNERSHIP
DEBTS—AMENDING PETITION.

{Where a bankrupt is liable for both personal and partnership debts, his petition for discharge, individually, may be amended so as to cover the partnership debts.}

{Cited in Re Marks, Case No. 9,094, and Re Johnston, 17 Fed. 72}

{In bankruptcy. This was an application for leave to amend petition for discharge. Granted.}

Mr. Ganson, for the petitioner, stated that the petition in this case had been prepared for the discharge of the petitioners individually, but that nearly all the debts were those contracted as the firm of Bidwell, Banta & Co., that the petitioner was the surviving partner of that firm, the other members having died insolvent. He was in doubt whether a discharge granted upon the petition as now drawn and filed, would work a discharge of the petitioner from his debts as one of said firm as well as individually, and he therefore presented a petition of Mr. Bidwell asking the opinion of the court thereon, and for leave to amend the petition and its prayer, if considered necessary.

HALL, District Judge, remarked that without examination and without being bound by what he should say, he was of the opinion that a discharge granted on the petition filed would discharge the petitioner from his co-partnership as well as individual liability, but it would certainly be safer to amend the petition, and he granted the desired order.

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