

Case No. 2,460.

IN RE CARSON.

[5 Ben. 277;<sup>1</sup> 5 N. B. R. 290.]

District Court, S. D. New York.

July, 1871.

BANKRUPTCY—CREDITOR BROUGHT IN AFTER FIRST MEETING—ASSIGNEE.

Where, after an assignee has been appointed, a creditor is added by an amendment of the bankrupt's schedules, no new meeting of creditors or choice of assignee is necessary. The creditor, when brought in, should be notified of the proceedings, and may petition the court for a removal of the assignee chosen if he has cause to do so.

[On certificate of register in bankruptcy.]

In this case an assignee was chosen on the 3d of March, 1871, and an assignment was executed on the 10th of March. On the 4th of April [James Carson] the bankrupt prayed leave to amend his schedules by adding the name of a creditor. Leave was granted, and on the 19th of April an amended schedule was filed. The register, on request of the bankrupt, certified to the court the question whether it became necessary to have a new meeting of creditors for the choice of an assignee. The register gave it as his opinion that it was not necessary to have a new meeting, or a new choice of assignee; that the creditor should be notified of the proceedings, and notified to prove his claim, if he desired; and that if he proved his claim he would have the right to petition the court for the removal of the assignee, if he desired.

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

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