

Case No. 3,512.
[7 Ben. 482.]¹

IN RE CUSHMAN.

District Court, S. D. New York.

Oct. Term, 1874.

DISCHARGE—OMISSION OF OUTLAWED DEBTS.

A bankrupt omitted from his schedule certain debts, and the creditors holding them had no notice of the bankruptcy proceedings. He claimed that the debts were outlawed: *Held*, that the bankrupt had not conformed to the requirements of the act [of 1867 (14 Stat. 517)]; that his discharge could not now be granted; and that the case must be referred back to the register for further proceedings.

{In the matter of John H. H. Cushman, a bankrupt}.

W. W. Hewitt for bankrupt P.

Condon, for creditor.

BLATCHFORD, District Judge. As it appears that the bankrupt omitted from his schedule certain debts which he asserts were outlawed, on the ground that they were outlawed, and the creditors holding such debts have had no notice of the bankruptcy proceedings, the bankrupt has not conformed to all the requirements of the act Therefore, his discharge cannot now be granted, and the case must be referred back to the register for such further action as he may take on the application of either party to him.

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