

Case No. 5,294.

IN RE GEBHARDT.

{3 N. B. R. 268 (Quarto, 63).}<sup>1</sup>

District Court, E. D. Missouri.

1869.

BANKRUPTCY—PRACTICE.

Answer need not be verified. If debtor, in cases of involuntary bankruptcy, do not appear on return-day of rule, he cannot demand a trial of issues by a jury.

A rule was issued directing the defendant to show cause on the 31st of August why he should not be adjudged bankrupt. An answer to the rule was lodged with the clerk by the attorney on the 18th of September, after the expiration of the rule. The answer was not verified. The petitioning creditors applied to have judgment by default, and the defendant applied for leave to file answer.

PER CURIAM. The defendant not having filed his answer on the return-day of the rule, cannot demand that the issues shall be tried by a jury. But, under the circumstances, leave will be given to file an answer, the issues to be tried by the court. The statute does not require the answer to the rule to be verified by affiant.

<sup>1</sup> [Reprinted by permission.]