

Case No. 5,680.

[1 Wkly. Notes Cas. 64.]

IN RE GRAMBO.

District Court, E. D. Pennsylvania.

Nov. 4, 1874.

CO-TRUSTEES—JURISDICTION OF BANKRUPT COURT OF QUESTIONS BETWEEN TRUSTEES—POWER OF CREDITORS OVER CUSTODY OF ASSETS.

[In bankruptcy. In the matter of Harrison Grambo.] A petition of Stephen A. Potter and William Wright, trustees of said estate, was filed, in which it was set forth that Samuel Wright, a co-trustee, had obtained possession of certain bonds, mortgages, and assignments from the fire-proof of the petitioners; that demand had been made therefor under a resolution of a meeting of creditors, and that all had not been returned; and praying relief.

Mr. Sutton, for trustees.

Chapman Biddle, for S. Wright.

THE COURT said, unless the proceedings in this case have been ratified by every creditor, they are of doubtful validity, and require judicial rectification; but that the question raised could not be litigated in the present crude form of the application. The petitioners might proceed by bill in equity in the circuit court of the United States for this district, if so advised, with or without other complainants, against the present respondent and all other proper parties, to obtain such fundamental or incidental relief as may be considered proper. If such proceedings are instituted, the present application may stand over.

{A bill in equity was accordingly filed in the circuit court (Case No. 11,343) by the said trustees, praying for relief in the manner above set forth. The bill was dismissed, however, without prejudice, because, in the original transfer to the trustees, the approval of the court had not been obtained as directed.}