

Case No. 5,960.
[7 Ben. 182.]¹

IN RE HALLIE ET AL.

District Court, S. D. New York.

March, 1874.

TAKING PAPERS FROM FILES.

At the first meeting of creditors of a bankrupt, objection was made to certain proofs of debt which had been filed by three creditors. The register ruled that the proofs were insufficient, and that the creditors could not vote. The counsel for the creditors asked leave to amend the proofs of debt, which was granted. The three creditors afterwards claimed the right to withdraw the proofs of debt from the register's office. *Held*, that the proofs could not be so withdrawn.

{In bankruptcy. In the matter of Abraham Hallie and Bernard Brunner.}

The register certified to the court, in this case, that, before the first meeting of creditors, proofs of debt were filed on behalf of three creditors; that the creditors were put on the list; that, at the first meeting, these creditors were called to vote, when objection was made by other parties; that the register ruled, that the proofs were insufficient; that counsel for the creditors asked leave to amend the proofs of debt, which was granted, but they did not avail themselves of such leave granted; that proceedings were thereafter taken to expunge the claims, whereupon the creditors sought to withdraw the proofs of debt from the register's office—and the register certified the following question: "The proofs of debt having been sworn to, filed, and afterwards, upon objection made to them at the first meeting of creditors, postponed by the register under the 23d section [of the bankrupt act of 1867 (14 Stat. 528)], have the creditors a right to withdraw them, thereupon, from the register's office, upon their mere demand?"

BLATCHFORD, District Judge. The question certified is answered in the negative.

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