

Case No. 6,338.

IN RE HELLER ET AL.

[32 Leg. Int. 136.]¹

District Court, S. D. New York.

March 30, 1875.

BANKRUPTCY—VERIFICATION OF INVOLUNTARY PETITION.

An involuntary petition in bankruptcy cannot be verified before a notary public.

An involuntary petition in bankruptcy was filed by several creditors of the firm of Heller Bros. & Co., for an adjudication of said firm as bankrupts. This was opposed by the counsel for the debtors upon the ground that the original petition was not properly verified—verification having been made before a notary public, and not before a judge, register, or commissioner, as provided by section 5017, e. 2, tit 61, of the Revised Statutes.

BLATCHFORD, District Judge, rendered a decision dismissing the petition and all the proceedings, and denying the motion for an adjudication, upon the ground that the petition was not properly verified before a notary public.

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