

Case No. 6,467.
[8 Ben. 100.]¹

IN RE HIGGINS.

District Court, S. D. New York.

May, 1875.

POWER OF ATTORNEY—NOTARY PUBLIC.

Under general order in bankruptcy No. 34, adopted April 12th, 1875, a notary public is not authorized to take the acknowledgment of a creditor to a power of attorney to vote for assignee.

In this case the register certified that, at a first meeting of creditors held for the choice of assignee, eleven proofs of debt were filed, representing \$3,952.05; that seven of them, representing claims amounting to \$2,642.18, voted for George W. Van Siclen as assignee, the powers of attorney, under which two of these were represented, having been acknowledged before a notary public; that the other four creditors, representing claims amounting to \$1,309.87, voted for John H. Platt as assignee; that the bankrupt [J. Olmstead Higgins] and the minority creditors objected to the votes cast under the powers of attorney, on the ground that, under general order No. 34, adopted April 12th, 1875, a notary public was not a proper officer authorized to take such acknowledgments; and that he had sustained the objection, had held that no assignee was appointed, and had appointed Mr. Platt as assignee.

BLATCHFORD, District Judge. I think the register ruled correctly.

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