

Case No. 6,525.

IN RE HINSDALE ET AL.

[6 Ben. 231;¹ 12 N. B. R. 480; 1 N. Y. Wkly. Dig. 127.]

District Court, S. D. New York.

Nov., 1872.

REGISTER'S FEES—SECOND MEETING—TRUSTEE.

If a trustee, who has been appointed under the 43d section of the bankruptcy act [of 1867 (14 Stat. 538)], call a second general meeting of the creditors, the fees of the register incident to such meeting are not chargeable against the estate.

The register in this case certified to the court that the property of the bankrupts [Richard H. Hinsdale and Edward E. D. Doughty] had been, pursuant to the 43d section of the bankruptcy act, conveyed to a trustee, to be distributed under the direction of a committee of the creditors; that the question had arisen whether the estate was liable for the fees of the register incident to a second general meeting of the creditors; and that, in his opinion, the estate was not so liable.

BLATCHFORD, District Judge. Assuming, though it is not so stated in the certificate of the register, that the second general meeting was called by the trustee, I find in the act no authority or direction for the calling of such meeting by the trustee. I see nothing, therefore, in the facts certified that can warrant the charging against, or paying out of, the estate of the bankrupts, the fees of the register upon or incident to such meeting.

[In Case No. 6,526, an order was made requiring certain creditors to accept the composition agreed upon at a meeting of creditors.]

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