

Case No. 8,056.

IN RE LANG.

{2 N. B. R. 480 (Quarto, 151).}¹

District Court, D. Massachusetts.

1869.

BANKRUPTCY—APPLICATION FOR DISCHARGE—WITHIN WHAT TIME TO BE MADE—LAST DAY THANKSGIVING DAY.

A was adjudged a bankrupt November 26, 1867, and filed his application for a discharge November 27, 1868. *Held*, that the case was within the equity and fair construction of section forty-eight of the bankrupt act of 1867 [14 Stat. 540], which provides that when any particular number of days is prescribed, and the last day falls on a Sunday, Christmas Day, or any day appointed by the president of the United States as a day of public thanksgiving, the last day shall be excluded from the computation. Usual order of notice to creditors allowed to be issued.

{Cited in *Cooley v. Cook*, 125 Mass. 409.}

The adjudication of bankruptcy in the case of J. H. B. Lang was made November 26, 1867. The bankrupt filed in court his application for a discharge November 27, 1868, and the question was raised *ex parte* whether his application was within one year from the adjudication, as required by section twenty-nine of the bankrupt act.

S. Edwin Ireson, for bankrupt.

LOWELL, District Judge, held that the case was within the equity and fair construction of section forty-eight, which provides that when any particular number of days is prescribed by the statute for doing any act, or for any other purpose, and the last day falls on a Sunday, Christmas Day, or any day appointed by the president of the United States as a day of public thanksgiving, &c., the last day shall be excluded from the computation.

The order of notice was accordingly allowed to be issued.

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