

Case No. 8,105.

IN RE LATHROP ET AL.

{3 N. B. R. 46 (Quarto, 11);¹ 2 Am. Law T. 124.}

District Court, S. D. New York.

July, 1869.

BANKRUPTCY—WITHDRAWAL OF COUNSEL—EFFECT OF DEFAULT UPON DISCHARGE.

In this case Mr. Da Costa, on behalf of petitioning creditors, moved for an adjudication of bankruptcy.

Augustus F. Smith appeared for the debtors, Messrs. Lathrop, Ludington & Co. The question presented was, as to whether, in case he should withdraw his appearance, and suffer a default to be taken against his clients, all the allegations in the petition should be taken as true in subsequent proceedings for their discharge, and THE COURT [BLATCHFORD, District Judge] decided that question in the negative, to the effect that the debtors would not be prejudiced in their application for a discharge by submitting to such default.

¹ [Reprinted from 3 N. B. R. 46 (Quarto 11), by permission.]