

Case No. 8,430.

[25 Pittsb. Leg. J. 69.]

IN RE LLOYD.

District Court, W. D. Pennsylvania.

1877.

BANKRUPTCY—QUORUM OF PETITIONING CREDITORS—AMOUNT REPRESENTED.

When one-fourth in number of creditors holding provable debts over two hundred and fifty dollars in value to the amount of one-third of the aggregate indebtedness provable against the bankrupt have joined in the petition for his adjudication, their prayer will be granted.

[In the matter of William M. Lloyd, a bankrupt, for whom a petition for adjudication in bankruptcy had been filed. Case No. 8,429.]

Before KETCHAM, District Judge.

PER CURIAM. Now, December 13, 1877, the court having computed the aggregate indebtedness of all amounts provable against the bankrupt, and the number of creditors and the number of petitioning creditors; and having computed the amount and value of debts held by the petitioning creditors, it is ascertained that the total amount of provable debts is \$896,312.25; that the entire number of creditors having provable debts of over \$250 in amount is seven hundred and eight; and of these three hundred have joined in the petition, and that they hold provable debts over two hundred and fifty dollars in value, to the amount of three hundred and sixteen thousand one hundred and ninety-three dollars and seventy-nine cents. One-fourth in number, or one hundred and seventy-seven creditors holding one-third of the indebtedness, or two hundred and ninety-eight thousand seven hundred and seventy dollars and seventy-five cents, are sufficient to constitute a legal quorum.

It is therefore adjudged and decreed, that a legal quorum of one-fourth in number of creditors holding provable debts over two hundred and fifty dollars in value to the amount of one-third of the aggregate indebtedness provable against the bankrupt have joined in the petition for his adjudication.

Exceptions tenth, eleventh, twelfth, fourteenth, twenty-second and twenty-third, of the exceptions filed July 8, 1876, to the register's original report, finding a quorum, are overruled—the other exceptions to said report were disposed of in opinion filed February 21, 1877.

The opinion of Judge KETCHAM, in this case, and which is referred to in the decree, was printed in [Case No. 8,429].

[NOTE. A petition for review of this decree was filed in the circuit court, but was dismissed, upon the ground that under the twelfth and thirteenth sections of the amended act of June 22, 1874, the circuit court had no power to review the action of the district court upon the question of the quorum of the creditors. Case No. 8,431. The case was

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again heard upon the question of the allowance of counsel fees (7 Fed. 459); upon the confirming or the assignee's sale of certain real estate (11 Fed. 586); upon the proof of partnership debts against the bankrupt (22 Fed. 88); and upon the tender of proof of a bankrupt partnership of which the bankrupt was a member, claiming debts against the estate of the bankrupt (Id. 90).]