

Case No. 8,822.

IN RE MCINTIRE.

[1 Ben. 543;² 1 N. B. R. 151; Bankr. Reg. Supp. 33; 6 Int Re v. Rec. 165.]

District Court, S. D. New York.

Nov., 1867.

BANKRUPTCY—SERVICE OF NOTICE, FORM NO. 52—REQUEST, FORM NO. 28.

1. When the discharge of a bankrupt is applied for after sixty days from the adjudication, the notice, form No. 52, need be served only on the creditors who have proved their debts, even though it contains a notice of the second and third general meetings of creditors.
2. It is not necessary, in such case, that the request of the assignee, form No. 28, should be furnished to the register.

In this case, at the request of the bankrupt [Charles H. McIntire], the register certified to the court two questions, viz.: (1) Whether, when the discharge is applied for after sixty days from the adjudication, the notice, form No. 52, if containing the notice of the second and third general meetings of the creditors, must be mailed to all the creditors known to the bankrupt, or only to such as have proved their debts; (2) Whether, in applying for the order to show cause why a discharge should not be granted, after sixty days from the adjudication, the bankrupt must furnish to the register the request, form No. 28. The register expressed his opinion, that it was safer to require the notice to be given to all the creditors, and that the request, form No. 28, ought to be furnished.

BLATCHFORD, District Judge. The notice need be mailed only to those creditors who have proved their debts, and it is not necessary that the request of the assignee, form No. 28, should be furnished.

[For subsequent proceedings in this case, see Case No. 8,823.]

² [Reported by Robert D. Benedict, Esq., and here reprinted by permission.]