

Case No. 10,212.

IN RE NEW YORK MAIL STEAMSHIP CO.

{3 N. B. R. 280 (Quarto, 73).}¹

District Court, S. D. New York.

1869.

BANKRUPTCY—CLAIM FOR COUNSEL
FEE—DIVIDEND.

1. Dividend was ordered on claims of certain lawyers for alleged professional services rendered bankrupt *Held*, reference ordered to register to examine into the proof of such debts, and the register and assignee restrained from further proceedings until further order of the court.
2. Motion to vacate an order for a dividend may be made on proper papers and notice.

In bankruptcy.

{This case is first reported as heard upon the question of removal of one of the assignees. Case No. 10,209. It was then heard upon the matter of allowance of counsel fees. Id. 10,210. Counsel for the bankrupt claimed a lien on papers. Id. 10,211.}

BLATCHFORD, District Judge. In this case, an order must be entered in the usual form, referring it to the register in charge of the case to examine into the three proofs of debt filed by Horatio P. Allen, Marshall B. White, and others, and Brown, Hall & Vanderpoel, with a view to determine their validity and proper amount. It is impossible for me to determine, on the paper before me, whether the declaration of the dividend ordered at the second meeting of creditors, ought or ought not to be set aside, but the case is a proper one to restrain the register and the assignee from taking any further steps towards making or paying such dividends, until the further order of the court, with a view to give an opportunity to any person interested to apply to the court, on proper papers and proper notice, to vacate the order for the dividend.

{The case was finally heard upon the claim of
petitioning creditor for allowance for counsel fees.
Case No. 10,208.}

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