

IN RE ROSEY.

{6 Ben. 137.}¹

District Court, E. D. New York. June Term, 1872.

BANKRUPTCY—SECOND MEETING OF
CREDITORS—DISCRETION OF REGISTER.

If the assignee, after three months from the adjudication in bankruptcy, requests the court to call a second general meeting of creditors, it must be called, and the register has no discretion to refuse to call it.

{In the matter of Louis H. Rosey, a bankrupt}

The register in this case certified to the court, that the assignee had applied to him in writing to call a second general meeting of creditors, under the provisions of the 27th section of the bankruptcy act [of 1867 (14 Stat. 529)], which request was accompanied by the report and account of the assignee, in compliance with an order of the register; and that he had, for reasons which he deemed sufficient and which he certified to the court, refused to call the meeting.

BLATCHFORD, District Judge. I regard the provision of section 27 of the act as imperative, that where the assignee, at the expiration of three months from the date of the adjudication of bankruptcy in a case, requests the court so to do, a second general meeting of the creditors must be called. General order No. 19, as it now reads, does not conflict with or abrogate the provisions of section 27. It requires the assignee, at the expiration of three months from the date of the adjudication of bankruptcy, to file a report with the register, and also a statement as to the matters set forth in such rule. Then if the register shall judge it expedient, he may order that the second general meeting of creditors be called, although the assignee does not so request.

[See Case No. 12,066.]

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