

Case No. 17,273.

[1 Wkly. Notes Cas. 86.]

IN RE WATSON ET AL.

District Court, E. D. Pennsylvania.

Oct. 14, 1874.

BANKRUPTCY—APPLICATION FOR DISCHARGE.

Application for leave to file petition for discharge under the amendatory bankrupt act of June 23, 1874 [18 Stat. 178]. The petitioners were adjudged bankrupt on the 28th of February, 1872. No application for discharge was made until the present motion. The bankrupts had been unable to obtain the assent of a majority in number and value of their creditors, and their assets did not amount to 50 per cent. of their indebtedness.

John A. Burton, for motion, argued: That, under the 29th section of the bankrupt act [of 1867 (14 Stat. 531)], when the application for discharge cannot be made until six months after adjudication, it is not imperative that it should be made within one year, and cited *In re Greenfield* [Cases Nos. 5,774 and 5,775]; *In re Pierson* [Case No. 11,154]; *In re Vorbeck* [Id. 17,002]. That, even where there were no debts or assets, the delay to apply, after the expiration of one year, might be explained by affidavit. *In re Canaday* [Id. 2,377]; *In re Donaldson* [Id. 3,982]. 2nd. That the 9th section of the amendatory act of June 23, 1874, applied to all pending cases of involuntary bankruptcy, whether the adjudication had been made more than a year previous to its passage or not, and notwithstanding no application had been made for a discharge, and cited *In re King* [Case No. 7,781]; *In re Griffiths* [Id. 5,825]; *In re Perkins* [Id. 10,983]; Cong. Rec. June 17, 1874, p. 60; *Ex parte Lane*, 3 Metc. (Mass.) 213; *Eastman v. Hillard*, 7 Metc. (Mass.) 425.

THE COURT referred the petition to the register for report in regard to all the facts of the case, refusing to allow the petition to be filed till report received, in view of the fact that there was no opposing counsel.

{See Case No. 17,274 and 17,275.}