

Case No. 17,314.

IN RE WEBB ET AL.

{3 N. B. R. 720 (Quarto, 177);<sup>1</sup> 2 Chi. Leg. News, 313.}

District Court, S. D. New York.

May 10, 1870.

BANKRUPTCY—DISCHARGE.

To entitle a bankrupt to discharge, the proceeds of his property to be divided among his creditors must be equal to fifty per cent. at the time of the hearing of the application for the discharge before the register.

{Cited in Re Kahley, Case No. 7,594; Re Van Riper, Id. 16,874; Re Vinton, Id. 16,951; Re Waggoner, 5 Fed. 917.}

Application of the bankrupts {Charles C. Webb and Thomas H. Taylor} for final discharge.

BLATCHFORD, District Judge. The proceeds of the bankrupts' property in the hands of their assignee, subject to be divided among their creditors, must, at the time of the hearing of the application for their discharge before the register, be then equal to fifty per centum of the amount of the claims proved against their estate, on which they are liable as principal debtors, in order to entitle them to discharge, unless the assent named in section 33 [of the act of 1867 (14 Stat. 533)] is filed. I concur with the view taken in Re Freiderick [Case No. 5,092].

<sup>1</sup> [Reprinted from 3 N. B. E. 720 (Quarto, 177), by permission.]