

Case No. 17,935.

IN RE WOOD.

[6 Ben. 339;<sup>1</sup> 13 N. B. R. 96; 1 N. Y. Wkly. Dig. 366.]

District Court, S. D. New York.

Feb., 1873.

VOLUNTARY BANKRUPTCY—AMENDMENT OF PETITION.

A bankrupt's petition, which was filed in February, 1868, alleged only that he "had a place of business in New York." In February, 1873, he asked to file an amended petition, in which the words, "and has there carried on business of his own," were added. *Held*, that the amendment could not be allowed, as the words "business of his own" are not found in the act [of 1867 (14 Stat. 517)], but that the application to amend might be renewed, on an affidavit showing the facts and the reasons why the amendment was not asked for sooner.

{In the matter of Edward T. Wood, a bankrupt.}

The petition in this case was filed February 29, 1868. It stated that the petitioner "had a place of business in New York." In February, 1873, the petitioner asked to file an amended petition, in which the following words: "And has there carried on business of his own," were added to the above allegation.

BLATCHFORD, District Judge. The amendment asked cannot be granted in the form proposed. The words, "business of his own," are not found in the act. The motion may be renewed on notice, on an affidavit showing the existence, at the date of filing the petition, of the facts specified in section 11 as necessary to give jurisdiction, setting forth specifically the words proposed to be stricken out and those proposed to be inserted, and the reasons why the petition was not made originally in the proper form, and the reasons why the amendment was not applied for sooner after the filing of the specifications.

<sup>1</sup> [Reported by Robert D. Benedict, Esq., and here reprinted by permission.]