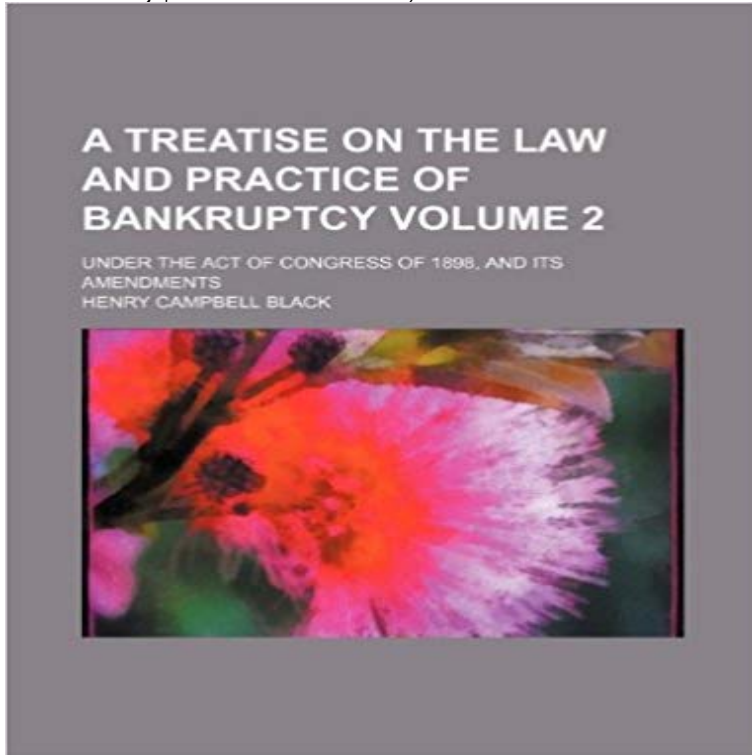


A treatise on the law and practice of bankruptcy Volume 2; under the act of Congress of 1898, and its amendments



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1922 Excerpt: ...book, always carried by the bankrupt himself and shown to no one, is evidence of an intent to conceal his financial condition.³²² 685. Time of Application for Discharge.--A bankrupt may file his application for discharge after the expiration of one month and within the next twelve months subsequent to being adjudged a bankrupt; and if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months. ³²³ As to the earliest permissible time for filing the application, it has been ruled that one month means one calendar month, to be computed by excluding the first day and including the last, so that if the adjudication was made on March 7th, an application filed on April 7th would be premature.³²⁴ As to the limitation of twelve months, this gives the bankrupt a year and a day from the date of adjudication, and no longer, unless the time is extended by the judge for cause shown as above stated.^{321s} But one additional day may be added where the last day of the twelve months is a public holiday.³²⁶ The court, however, has no power to open an adjudication entered on default in involuntary proceedings, and make a new one, to permit the bankrupt to file an application for discharge, which he neglected to do within the time prescribed.³²⁷ It is no part of the referees duty to notify the bankrupt or his attorney of the time when the application may be filed or of the expiration of the year for filing it; the bankrupt himself must take notice of these matters.³²⁸ And the limitation of the statute is impera 82i In re Newman, 3 Ben. 20. 2 N. B. R. 302. Feci.

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