

File No. 23531.

UNITED STATES DISTRICT COURT
CERTIFIED COPY

District of _____

Ordered stricken from file April 5th, 1937.

Filed Sept. 24th, 1936
O. E. Benham, Clerk
O. F. Pratt, Deputy

(An action at law)
No. 2541
W.R.Reynolds, and McNamara & Robbins
attorneys for the plaintiff.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA.

W. S. YATES
PLAINTIFF

VS

KATE COCKRILL and J.L. COCKRILL
DEFENDANTS

NOTICE OF INTENTION TO MOVE FOR NEW TRIAL

TO THE DEFENDANTS ABOVE NAMED AND TO GEORGE A. BARTLETT, AND H.L. McALLISTER, ATTORNEYS FOR SAID DEFENDANTS:

You and each of you will please take notice that the above named plaintiff intends to move the above-entitled court for an order vacating the decision made by the above-entitled court and dated September 10, 1936, and for a new trial of said motion to dismiss.

Said motion will be made and based on this notice of intention to move for a new trial, and on affidavit to be made, served and filed, and upon the minutes of the court, and upon the grounds that the provisions of Section 74, of the Bankruptcy Act, as amended by the Congress in 1934 is unconstitutional and void.

Dated September 19, 1936.

W. R. Reynolds
and
McNamara & Robbins
Attorneys for plaintiff

Filed April 5th, 1937
O. E. Benham, Clerk
By _____, Deputy

(An Action at Law)
No. 2541
George A. Bartlett
Attorney for Defendants,
H.L. McAllister
Of Counsel.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE DISTRICT OF NEVADA.

W. S. YATES,)
Plaintiff,)
vs)
KATE COCKRILL and)
J.L. COCKRILL,)
Defendants.)

ORDER DISMISSING PROPOSED MOTION FOR NEW TRIAL AND THE FURTHER ORDER STRIKING PLAINTIFF'S NOTICE OF INTENTION TO MOVE FOR NEW TRIAL FROM THE FILE.

The above-entitled matter in the above-entitled action came on for hearing in the above-entitled court on the 5th day of April, 1937, at the hour of 10 o'clock A.M. of said day. H.L. McAllister, Esq., appeared for the above-named defendants, and there was no appearance in behalf of the above-named plaintiff.

Upon motion of H.L. McAllister, Esq., for the court to deny plaintiff's proposed motion for a new trial upon the ground that the record disclosed that the notice of intention to move for a new trial was never served on counsel for the above-named defendants; that no supporting affidavits were ever made or served or filed by counsel for the above-named plaintiff; that the provisions of Section 74 of the Bankruptcy Act is not shown to be unconstitutional or void; and that the above-named plaintiff failed to act within the provisions of Rule 21 of the above-entitled court.

The court being fully advised in the premises hereby ORDERS the denial of a new trial to the above-named plaintiff, in the above-entitled action, as well as that of striking plaintiff's notice of intention to move for a new trial in the above-entitled action, from the file.

DONE in open court this 5th day of April, 1937.

FRANK H. NORCROSS
District Judge.

UNITED STATES OF AMERICA)
DISTRICT OF NEVADA.) ss:

I, O. E. BENHAM, Clerk of the United States District Court in and for the District of NEVADA, do hereby certify that the annexed and foregoing is a true and full copy of the original NOTICE OF INTENTION TO MOVE FOR NEW TRIAL, filed Sept. 24, 1936, and ORDER DISMISSING PLAINTIFF'S MOTION FOR NEW TRIAL AND THE FURTHER ORDER STRIKING PLAINTIFF'S NOTICE OF INTENTION TO MOVE FOR NEW TRIAL FROM THE FILE; in the case of W.S. Yates, Plaintiff, -vs- KATE COCKRILL, ET AL., No. 2541; now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the afore-said Court at Carson City, Nevada, this 30th day of June, A.D. 1937.

O. E. BENHAM
Clerk.

(SEAL OF COURT)

By O.F. Pratt
Deputy Clerk.

Recorded at the request of Milton J. Reinhart July 18, A.D. 1940 At 33 minutes past 2 P.M.

Peter Merialdo ---Recorder.

File No. 23532.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION.

IN BANKRUPTCY.

In the Matter of)
KATE COCKRILL,)
Debtor.)

No. 6106

ORDER DISMISSING OTHER AND FURTHER PROCEEDINGS IN THE ABOVE-ENTITLED MATTER FOLLOWING THAT OF PROOF OF DEBTOR'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE COURT'S ORDER CONFIRMING COMPOSITION, ALL AS PROVIDED BY SECTION 74 OF THE BANKRUPTCY ACT AS AMENDED.

THERE WHEREAS on the 20th day of January, 1936, the Court made an order approving the composition duly offered by the debtor, Kate Cockrill, to her creditors as by statute made and provided; and

WHEREAS satisfactory evidence has been produced, showing that said debtor has duly complied with the and all of the terms and conditions provided in said order so made on said 20th day of January, 1936, so confirming said proposed composition with the said creditors of said debtor, Kate Cockrill;

NOW THEREFORE, it is hereby further ORDERED, ADJUDGED AND DECREED that said debtor, Kate Cockrill, be, and she is hereby discharged from other and further proceedings in the above-entitled matter; and that the said proceedings is hereby dismissed, as by statute made and provided.

WITNESS my hand this 21st day of July, 1936.

STEPHEN N. BLEWETT
Referee in Bankruptcy.

(ENDORSED): Filed 10 o'clock and- Min.A.M. JUL 21, 1936.
Stephen N. Blewett, Referee.

UNITED STATES OF AMERICA,)
Northern District of California.) ss:

I, WALTER B. MALING, Clerk of the United States District Court in and for the Northern District of California, do hereby certify that the annexed and foregoing is a true and full copy of the original ORDER DISMISSING OTHER AND FURTHER PROCEEDINGS IN THE ABOVE ENTITLED MATTER, etc., in