

IN THE DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK.

In Equity No. 37-23.

UNITED STATES OF AMERICA, PETITIONER,

VS.

HARRY E. ARONSON, DAVID FINKELSTEIN, HARRY V.
LYONS, FRANK MAIBACH, JACK MAIBACH, PHILIP J.
BEGLOFF, ALOIS W. PINI, LEROY A. RICE, MICHAEL N.
LIPINSKI, BERNARD H. COHEN, SOL BROOME, LAY FISH
CO., INC., PORT CLINTON FISH CO., INC., POLLOCK
FISH CO., INC., FINLAY FISH CO., INC., THE RELIABLE
FISH COMPANY, INC., BEGLOFF FISH CO., INC., MISCH-
LER FISH CO., INC., EAGLE FISH COMPANY, ACME FISH
COMPANY, INC., MAJESTIC FISH CO., INC., THE NA-
TIONAL FISHERIES COMPANY, INC., NEW FISH COM-

PANY, INC., WINONA FISH CO., INC., LAKESIDE FISH
COMPANY, EMPIRE STATE FISH COMPANY, INC., CHAR-
LES LYONS FISH COMPANY, NORTHWESTERN FISH
COMPANY, and AARON RADIN, doing business under the
the registered trade name of STAR FISH COMPANY,
Defendants.

On reading and filing the annexed affidavit of Harold
Harper, sworn to the 14th day of December, 1926, and
upon the consent of the United States Attorney, it is

ORDERED, that the voluntary bankruptcy of Fish Pur-
chasing Corporation adjudged on June 11, 1926, be
deemed compliance with the provisions of the decree of
this Court, dated May 12, 1926, and that the defendants
above-named and each of them are relieved and excused
from causing said Fish Purchasing Corporation to dis-
solve and forfeit all of its corporate privileges and sur-
render its Certificate of Incorporation to the State of
New York as in said decree provided.

Dated, New York, December 15, 1926.

WM. BONDY,
United States District Judge.

IN THE DISTRICT COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK.

In Equity No. 37-23.

STATE OF NEW YORK
COUNTY OF NEW YORK
SOUTHERN DISTRICT OF NEW YORK

SS.:

HAROLD HARPER, being duly sworn, deposes and says:

I am a member of the firm of Rothwell, Harper & Mat-
thews, the solicitors for certain defendants in the above-
entitled cause and also solicitors for Fish Purchasing
Corporation, and am familiar with the facts and pro-
ceedings herein.

By final decree herein dated May 12, 1926, it was
among other things provided:

"(3) That the defendants within 30 days after the entry of this decree cause Fish Purchasing Corporation to dissolve, forfeit all of its corporate privileges and surrender its Certificate of Incorporation to the State of New York, provided that this shall not be deemed to prohibit the organization of another corporation under a different name for the sole purpose of taking over and conducting the operating plant and incidental assets of said Fish Purchasing Corporation on Lake-of-the-Woods, Minnesota."

It was also provided:

"(6) That jurisdiction of this cause is retained by this Court for the purpose of making such other or further orders and decrees as may become necessary."

Thereafter and within thirty days after the entry of said decree the said Fish Purchasing Corporation was found to be insolvent, and, on June 8, 1926, a meeting of the directors of said corporation was held at which it was resolved that said corporation admit its inability to pay its debts and its willingness to be adjudged a bankrupt on that ground and authorized deponent's firm to file a petition in bankruptcy on behalf of said corporation. On June 11, 1926 a voluntary petition was filed in the United States District Court for the Southern District of New York and thereafter and on said June 11, 1926, said corporation was duly adjudicated a voluntary bankrupt. The assets of the bankrupt, outside of the operating plant and incidental assets at Warroad, Lake-of-the-Woods, Minnesota, consisted of 90% of the issued capital stock of Walker Fish Company, a subsidiary Canadian corporation also having property at Lake-of-the-Woods, Minnesota; office furniture in New York City appraised at \$126.00, cash in bank of approximately \$800.00 and accounts receivable amounting to \$6,000.00 of doubtful value. In addition there was a \$2500 balance of a \$5000 mortgage on the forty (40) foot gasoline launch "Resolute". On June 25, 1926, LeRoy A. Rice was elected trustee and on June 29, 1926, he qualified by filing a bond in the sum of \$10,000. Said trustee is not carrying on the business of the bankrupt. The first

meeting of creditors has been had and closed. Upon information and belief, the trustee has secured an appraisal of all the property and a sale of the above-mentioned assets of the bankrupt was effected on notice to creditors for \$7,000, which cash is now in the hands of the trustee.

The dissolution of the corporation, in accordance with State Law, would be an expensive and, in view of the bankruptcy, a useless proceeding. As a result of the adjudication and liquidation of Fish Purchasing Corporation in bankruptcy, it has been rendered incapable of being used for carrying on any joint enterprise of the defendants, or for any further business whatever. No steps were taken to dissolve the corporation within thirty days because of the express concurrence of the United States Attorney in the view that a voluntary bankruptcy would serve the purposes of the final decree herein as well as the contemplated dissolution.

HAROLD HARPER (S).

Sworn to before me, this 14th day of December, 1926.

HELEN WERNER

Notary Public

N. Y. Co. Clk's No. 175, Reg. No. 7023

Term Expires March 30, 1927.