

Case No. 3,

IN RE A. B.

[3 N. B. R. (1869,) 244, (Quarto 58.)]

District Court, D. Maine.

BANKRUPTCY—POWER OF REGISTER—COMPELLING CONVEYANCE BY  
BANKRUPT.

[A register has no power, on motion of the assignee and creditors in bankruptcy, to order the bankrupt to execute deeds releasing an interest held at the time of filing his petition.]

[In bankruptcy. Certificate to district judge by register of question arising in proceedings.]

[Statement by Charles Hamlin, Register:]

Upon the examination of said bankrupt in behalf of said creditors, the assignee being present, the following question was proposed to said bankrupt, viz.: "Referring to the conveyance requested by the assignee, please state whether you are now willing to execute them.". The bankrupt answered: "Upon consulting with my counsel, present, I decline signing the deeds, unless otherwise directed by the court." The deeds referred to are release deeds of an interest of the bankrupt, which he had at the time of filling his petition in bankruptcy in Penobscot county, in this district. The counsel of said creditors and assignee then moved before me, that I order the bankrupt to execute said deeds.

Mr. Crosby, for creditors, and Judge Humphrey, assignee, spoke to the point that the execution of the deeds by the bankrupt would enable the assignee to sell the property at better terms, he thereby having the title to the same as it appeared of record.

McCrillis & Varney, for bankrupt, spoke to the point that all of the bankrupt's title to the property was now vested absolutely in the assignee, by the assignment under section 14, and that the "instruments, deeds, and writings" named in general clause 59, (Rice's Manual,) section 14, of bankrupt act, contemplate real property situate beyond the jurisdiction of the court, or beyond the limits of the United States.

Opinion by Register.

I decided that I had no power to make the order requested, being of the opinion that the application should be made to the judge of this court. I did not pass upon the question of the right of the assignee as to whether or not, under sections 14, 15, and 26, the bankrupt ought or not to execute the conveyances. And the said parties requested that the same should be certified to the judge, for his opinion thereon.

FOX, District Judge. Decision approved.

—, A Bankrupt, In re.

{See Anonymous, Case No. 463.}

—, A Bankrupt, In re.

{See In re Doe, Case No. 3,957.}

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