

Case No. 40.

IN RE ADAMS.

{3 Ben. 7;<sup>1</sup> 2 N. B. R. 272, (Quarto, 92;) 36 How. Pr. 270; 1 Chi. Leg. News, 107.]

District Court, S. D. New York.

Nov. 12, 1868.

BANKRUPTCY—PROTECTION OF BANKRUPT—EXAMINATION BY CREDITORS.

The fact that one creditor of a bankrupt has examined him under the 26th section of the bankruptcy act is no reason for withholding the same privilege from another creditor. But the register must regulate such examination so as to protect the bankrupt from annoyance, and oppression, and mere delay.

{Cited in Re Vogel, Case No. 16,984; In re Frizelle, Id. 5,132; In re Bellis, Id. 1,276.]

In bankruptcy. In this case an examination of the bankrupt, [Julius L. Adams,] at the instance of one creditor, under the 26th section of the bankruptcy act, had been concluded. Another creditor obtained an order for a similar examination, on the return of which order the bankrupt objected and was estopped from examining him further. The register held that they were not to be examined, claiming that, after one examination had been concluded, the other was estopped.

BLATCHFORD, District Judge. Every creditor has a right, under section 26, to examine the bankrupt on oath as to the matters specified in that section. Such examination enures to the benefit of all creditors. But the fact that one creditor has examined the bankrupt is no reason for withholding the privilege from another creditor. Yet the register must, in the exercise of a sound discretion, so regulate the time, and manner, and course of the examinations, as to protect the bankrupt from annoyance and oppression and mere delay, while at the same time full and fair opportunity is allowed to the creditors to inquire as to the matters specified in the 26th section.

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