

6FED.CAS.—16

Case No. 3,076.

IN RE COMSTOCK.

[1 N. Y. Leg. Obs. 326.]

District Court, S. D. New York.

1843.

NECESSARIES OF BANKRUPT.

[A pew in a church cannot be included in property set apart to the bankrupt as necessities.]

In bankruptcy. This case came before the court on exceptions to the assignee's report, setting apart necessities, &c., to the bankrupt [E. D. Comstock], because the assignee had refused to include in property set apart a pew in the Madison-Street Church.

A. Crist, for bankrupt.

W. C. H. Waddell, in person.

BETTS, District Judge. However desirable it may be that this expediency should be allowed a bankrupt and his family, I do not think it one of those things contemplated by the act, and which the assignee may be compelled to set apart. It is no more than desirable and convenient, and cannot be ranked with the articles classed by congress as necessities. The other articles should be ejusdem generis as to utility to the family. This exception cannot be supported, and is overruled.