

Case No. 4,244.

IN RE EARLE.

[3 N. B. R. 304 (Quarto, 81).]¹

District Court, S. D. New York.

Nov. 15, 1869.

BANKRUPTCY—EXAMINATION OF WITNESSES BEFORE
REGISTER—PRODUCTION OF BOOKS.

Witness must answer all proper questions relating to his trade and dealings with the bankrupt prior to bankruptcy, and if necessary to answer such questions must produce any book containing the transactions with the bankrupt.

[Cited in Re Stuyvesant Bank, Case No. 13,582.]

[In the matter of Mortimer L. Earle, a bankrupt.]

Extract from examination by James L. Flint.

Before Edgar Ketchum, Register:

“Q. 75. Do you now produce a copy of your transactions with the bankrupt as contained in your book, or the books themselves for the period of one year previous to the bankruptcy of the bankrupt, say from July 1st 1869? A. I do not. Q. 76. Do you decline to produce it? A. I do.”

The register decides that the copy of transactions as required by the counsel of the assignee ought to be produced. The witness declines to produce the same.

BLATCHFORD, District Judge. The foregoing matter contained in questions 75 and

In re EARLE.

76, and the answers thereto, having been referred to me by the register, under section 7 of the act, I decide that the witness must answer all proper questions on matters relating to his trade and dealings with the bankrupt prior to the commencement of the proceedings in bankruptcy, and that if, to answer properly and fully and truthfully any such question it is necessary that the witness should produce a copy of any transaction of his with the bankrupt, as contained in any book of the witness's, such copy must be produced.

The clerk will certify this decision to the register, Edgar Ketchum, Esq.

¹ [Reprinted by permission.]