

Case No. 4,708.

IN RE FAT.

{3 N. B. R. 660 (Quarto, 163).}<sup>1</sup>

District Court, D. Massachusetts.

1870.

WITNESS—REFUSAL TO GIVE ANSWERS WHICH MAY FURNISH EVIDENCE  
AGAINST HIM IN CIVIL CASE.

A witness cannot refuse to answer questions concerning his dealings, etc., with the bankrupt,

In re FAT.

on the ground that his answer may furnish evidence against him in a civil case, brought or to be brought on behalf of the assignee.

[Cited in Re Krueger, Case No. 7,942; Re Stuyvesant Bank, Id. 13,582; Re Comstock, Id. 3,080.]

[In bankruptcy. In the matter of G. P. and B. W. Fay.] A question arose in this case upon the examination of E. Ira Richards, as a witness before Register Jewett. It appeared that Richards took the oath as a witness before the register on the 8th of May, 1869. The examination was, however, postponed from time to time, until January, 1870. While the examination was still unfinished the assignee commenced a suit against Richards in the circuit court, in which he sought to recover a large sum of money, which he alleged had been received by Richards. Richards now denied the right of the register to continue the examination while the suit against him was still pending, contending that he could not be compelled to give evidence against himself. By the request of parties the question has been certified to the district judge.

LOWELL, District Judge. The witness cannot refuse to answer questions concerning his dealings, etc., with the bankrupt, on the ground that his answer may furnish evidence against him in a civil case, brought or to be brought on behalf of the assignee. The main, if not the only, purpose of the statute authorizing such an examination is to enable the assignee to obtain evidence for civil suits, or to ascertain that there is no such evidence.

<sup>1</sup> [Reprinted by permission.]