

Case No. 4,743.

IN RE FERNBERG ET AL.

[2 N. B. R. 353 (Quarto, 114); 1 Chi. Leg. News, 163; 2 Am. Law T. Rep. Bankr. 53.]¹

District Court, S. D. New York.

Jan. 20, 1869.

BANKRUPTCY—SECURITY REQUIRED OF CHOSEN ASSIGNEE.

A chosen assignee may, in a proper case, on application of a creditor, be required to give security.

By Edgar Ketchum, Register.

The register, in transmitting the choice of assignee made in this matter to the judge, sends with it the application of a creditor, represented by Mr. G. A. Seixas, that security be required of the assignee, and the answer and objection of the assignee thereto. Eight creditors voted for Edward L. Corlies, having claims amounting to eight thousand nine hundred and thirteen dollars and thirteen cents. Four creditors voted for James Davis, having claims amounting to one thousand one hundred and twenty-seven dollars and eight cents. Three creditors did not vote, whose proven claims amount to six thousand six hundred and fifty-nine dollars and ninety-five cents. It seems to the register that, under the circumstances of this case, bond ought to be given by the chosen assignee, but that half the amount proposed by the creditor would be reasonable in the first instance.

BLATCHFORD, District Judge. This view of the register is approved.

¹ [Reprinted from 2 N. B. R. 353 (Quarto, 114), by permission. 2 Am. Law T. Rep. Bankr. 53, contains only a partial report.]