

Case No. 5,114.
[9 Ben. 185.]¹

IN RE FREY ET AL.

District Court, S. D. New York.

July, 1877.

PRACTICE IN BANKRUPTCY—STENOGRAPHIC REPORT OF TESTIMONY.

A bankrupt, on examination before a register under section 26 of the act [14 Stat. 517], cannot require the register to have his testimony taken down in common writing, when the assignee furnishes a stenographer to take it down and desires to have it so taken.

In this case the bankrupts [Daniel Frey and others] appeared before the register for examination under section 26 of the act, and the counsel for the assignee proceeded to have the examination taken down by a stenographer, whereupon the attorney for the bankrupts objected, stating that if the counsel for the assignee would afterwards supply him gratis with a copy of the testimony he would withdraw the objection, but otherwise he would not. He insisted that the register must have the testimony taken down in common writing, so that the questions and answers might be plainly seen, to enable him to cross-examine the bankrupts. The register over-ruled the objection, and the question was certified to the court. The register, in his certificate, said: "The question substantially is, whether any party may, at his will, forbid stenography upon the trial and compel common writing. I think not. The art of swift writing is too valuable, too prevalent and too well recognized by law and by the courts, for this."

BLATCHFORD, District Judge. I concur with the register.

[NOTE. For a final hearing on specifications and proofs in opposition to the bankrupts' discharge, see *In re Frey*, 9 Fed. 376.]

¹ [Reported by Robert D. Benedict, Esq., and B. Lincoln Benedict, Esq., and here reprinted by permission.]