

Case No. 5,476.

IN RE GLASER.

[2 N. B. R. 398 (Quarto, 129).]¹

Circuit Court, S. D. New York.

1869.

CONTEMPT—EXAMINATION OF WITNESSES UNDER
COMMISSION—BANKRUPTCY PRACTICE.

On an application for attachment of witnesses for contempt in not making answers on examination under a commission, *held*, that attachment must be refused, for the reason that no written interrogatories accompanied the commission, and no information furnished as to the particular enquiry.

{In bankruptcy. In the matter of Samuel Glaser.}

Martin & Smith, for application.

Benedict & Boardman, opposed.

BLATCHFORD, District Judge. The commission issued by the district court for the southern district of Ohio, not being accompanied by any written interrogatories, and not furnishing any information as to what the enquiry is, to which the examination of the witnesses named in it is to be directed, so that I can determine whether the questions which the witnesses have refused to answer, are or are not pertinent to such enquiry; it is impossible for me to hold that the witnesses have refused to answer any pertinent or proper question. The application for the attachment is, therefore, refused.

² [Reprinted by permission.]