

Case No. 5,812.  
[8 Ben. 388.]<sup>1</sup>

IN RE GRIFFIN.

District Court, S. D. New York.

Feb., 1876.

COSTS—COMPOSITION—EXAMINATION OF BANKRUPT.

A bankrupt is primarily liable for the costs of the register incurred in the examination of the bankrupt by contesting creditors, at a meeting of creditors held under an order of the court in relation to a composition proposed by him.

The register in this case certified to the court that by order of the court in this matter it was referred to the register to hold a meeting of creditors at his office, at which the bankrupt [James Griffin] should propose a composition to his creditors in settlement of his debts; that the meeting was held at which the bankrupt made his proposition and filed his statement of debts and assets and offered himself for examination, and was examined by the attorney for certain contesting creditors on different days; that the register had requested the bankrupt to pay the costs of such proceedings and the bankrupt objected to paying them and requested the register to certify the question to the court. The register added to his certificate his opinion, "that the costs so charged against the alleged bankrupt for services so rendered are primarily chargeable to and payable by the alleged bankrupt, the proceedings generally being had at his instance and request; and that the bankrupt should pay such costs, leaving the question to be decided in future as to whether the examination was justified by the circumstances of the case and the results attained."

BLATCHFORD, District Judge. I concur in the views of the register.

<sup>1</sup> [Reported by Robert D. Benedict, Esq., and Benj. Lincoln Benedict, Esq., and here reprinted by permission.]