

Case No. 6,304.

[7 N. B. R. 448.]¹

IN RE HEATH ET AL.

District Court, S. D. New York.

1873.

BANKRUPTCY—DISCHARGE—EXAMINATION.

The fact that the bankrupt has received his discharge more than two years ago is not a good objection to his being examined in accordance to the requirements of section 26 of the bankrupt act [of 1867 (14 Stat 529)].

[Cited in Re Dole, Case No. 3,965.]

[In bankruptcy. In the matter of Heath and Hughes.]

By the Register:

I, Henry Wilder Allen, one of the registers of said court in bankruptcy, do hereby certify that in the course of the proceedings in said cause before me, the following questions arose pertinent to the proceedings and were stated and agreed to by the counsel for the opposing parties, to wit: Mr. H. S. Bennett, who appeared for Mr. Hughes, the bankrupt, and Mr. Thomas M. North, who appeared for the assignee in bankruptcy.

On the application of said assignee an order was duly obtained and served on the 25th day of January, 1872, requiring the said bankrupt to attend before me on the 29th day of January, 1872, to submit to the examination required by the twenty-sixth section of the bankrupt act of March 2d, 1867. The bankrupt, by advice of counsel, declined to be examined under said order on the ground that he had obtained his discharge in bankruptcy more than two years ago, and the said parties requested that the same should be certified to the judge for his opinion thereon.

BLATCHFORD, District Judge. I do not think that the fact that the bankrupt has been discharged is a good objection against his being examined at all under the order in question.

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