

Case No. 6,486.

IN RE HILL.

{2 N. B. R. 140 (Quarto, 53).}<sup>1</sup>

District Court, N. D. New York.

1868.

BANKRUPTCY—CONTEMPT—STAT. OF PROCEEDINGS.

The bankrupt act [of 1867 (14 Stat. 517)] does not contemplate a stay of proceedings by injunction on an order to show cause, issued out of a state court, why the bankrupt should not be punished for contempt for his failure to appear for examination on proceedings supplementary to execution.

[Cited in *Clark v. Bininger*, 38 How. Pr. 341.]

This was a motion to modify the injunction granted at the time of the filing of the petition restricting further proceedings before the county judge of Erie county on proceedings supplementary to execution. It appeared, that before the petition was filed in this court, the petitioner [Milo W. Hill] had (as alleged) committed a contempt in not appearing before the county judge, and an order had been made for him to show cause why he should not be punished. The injunction having been served upon the county judge, he doubted his right even to punish for contempt committed as alleged.

HALL, District Judge, said that he had some doubts whether the injunction as granted would stay the proceedings for contempt, but he did not consider that the bankrupt act contemplated a stay of such proceedings, and that he would grant the order modifying injunction as asked.

HILL, In re. See Case No. 8,443.

HILL, The. See No. 9,711

<sup>1</sup> [Reprinted by permission.]