IN RE LYNCH ET AL.

Case No. 8,635.

[16 N. B. R. 38;[1] 24 Pittsb. Leg. J. 205.]

District Court, S. D. New York.   June 30, 1877.

DEPOSITION FOR PROOF OF DEBT–FOREIGN COUNTRY.

Proof of debt can only be taken in a foreign country before one of the officers authorized by section 5079 of the Revised Statutes to do so.

[In the matter of Robert V. Lynch and William Emberson, bankrupts.]

By the Register:

I, James F. Dwight, 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 question arose pertinent to the said proceedings, and is thus stated: Facts: The attorneys for James Hardy, trading as James Hardy & Co., Nottingham, in the county of Nottinghamshire, kingdom of Great Britain, offered for filing a deposition for proof of debt, made by said Hardy and executed and acknowledged before one Fras. Geo. Rawson, United States consular agent at said Nottingham aforesaid, which deposition I refused to file "because not taken before any of the officers authorized

by the 5079th section of the Revised Statutes to take proofs of debt in a foreign country."
The attorneys for the creditors, Messrs, Arthur, Phelps, Knevals and Ransom, object to
the decision of the register, rejecting the proof, and pray that the following question may
be certified to the court for its decision: "Did the register err in refusing to file said depo-
sition for proof of claim for the reasons indorsed thereon? As required by the practice I
state as my opinion: That the statute having designated before whom proofs may be taken
in foreign countries, others are not authorized to take them. All of which is respectfully
submitted, this 29th of June, 1877.

BLATCHFORD, District Judge. Upon the certificate of James F. Dwight, register,
etc., in charge of the above entitled matter, the following is the decision of the court: The
question is answered in the negative.

[1] [Reprinted from 16 N. B. R. 38, by permission.]