

Case No. 8,643.

IN RE LYON.

{1 N. B. R. 111;¹ Bankr. Reg. Supp. 24; 6 Int. Rev. Rec. 135.}

District Court, S. D. New York.

Oct 7, 1867.

BANKRUPTCY—EXAMINATION—EXCEPTIONS—MOTION TO STRIKE OUT
ANSWERS—MOTION TO CERTIFY QUESTIONS TO THE COURT.

In the examination of a bankrupt by creditors, the register will pass upon questions objected to, and formal exceptions being taken, he will, at the close of the testimony, entertain motion to strike out answers or admit excluded questions, and certify the questions to the court.

[In the matter of Isidor Lyon, a bankrupt.]

In this case the register, Edgar Ketchum, certifies the following questions to the court:

Order having been made by consent for the examination of the bankrupt on the 25th day of September, 1867, at 3 o'clock, and the bankrupt being duly sworn and examined, the following questions were asked by Mr. Gray: Question. "Where do you get the means to support your family?" A. "By earning my living. No particular business. Anything I can find. I don't know exactly how long I

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have been engaged in that business. I have always made money when I could do so legitimately." Question. "What was the last legitimate act of business you transacted by which you made money?" A. "Today; selling a barrel of spirits, as a broker, not belonging to me." Question. "For whom?" Objected to by the bankrupt's counsel. The register thinks it ought to be answered. If the spirits did belong to another, the subject is ended. If the deponent is in any way mistaken, and the spirits in fact belonged to him, the creditor should be allowed to discover it. Mr. James, the bankrupt's counsel, demands that the question thus made be certified to the judge. Question. "What was the other and last previous transaction to the one mentioned in which you made money?" Mr. James objects to this question on behalf of the bankrupt, on the ground that no inquiry is relevant as to the manner in which he has earned his livelihood, since his adjudication of bankruptcy, unless foundation is laid for imputing to him possession of property which ought to be given up to his assignee. The register thinks the interrogatory a proper one, as tending to discover and ascertain the truth in respect to that which the counsel thus allows. Mr. James demands that the question be certified to the judge.

BLATCHFORD, District Judge. The register will follow the practice established by my decision dated October 1st, 1867 (In re Levy [Case No. 8,298]). The clerk will certify this decision to the register, Edgar Ketchum Esq.

¹ [Reprinted from 1 N. B. R. 111, by permission.]