

IN RE MORGAN.

{8 Ben. 232.}¹

District Court, S. D. New York.

Aug., 1875.

ATTORNEY AND CLIENT—REPRESENTING
ANTAGONISTIC INTERESTS—BANKRUPT
PROCEEDINGS.

There is no legal objection to the appearance by counsel, who has previously acted as counsel ⁷⁴⁷ for the bankrupt, as counsel for a creditor whose claim is under re-examination.

{This case was formerly heard upon the proof of debt of a corporation of which the bankrupt had been president Case No. 9,797.]

The register in this case certified to the court that, on the re-examination of the claim of Yale & Co., alleged creditors of the bankrupt, Mr. Pelton, who had appeared in all the proceedings as counsel for the bankrupt [Henry N. Morgan], and was still acting as such, appeared as counsel for Yale & Co.; and that the creditor who had required the re-examination of such claim objected to such appearance for Yale & Co., by reason that such counsel occupied the antagonistic position of counsel for the bankrupt. And the register certified to the court this question: "Does any legal objection exist to Mr. Pelton's acting as counsel for the claimants, Yale & Co., on the ground that he is the counsel for the bankrupt?" with his opinion thereon, as follows: "The objection is one that it might be very material for the claimants to consider; but it is not perceived how the fact stated as the foundation of it can work injury to the objector, nor that the choice made by the claimants, is to be forbidden by the court"

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

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

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