

## IN RE O'KELL.

{2 N. B. R. 105 (Quarto, 35).}<sup>1</sup>

District Court, S. D. New York.

1868.

BANKRUPTCY—SPECIFICATIONS IN OPPOSITION  
TO DISCHARGE—BURDEN OF PROOF.

Where specifications are filed in opposition to the discharge of a bankrupt, the burden of proof is on the creditor, and when he fails to show just cause for refusing a discharge, it must be granted.

[In the matter of William O'Kell, a bankrupt See Case No. 10,474.]

S. C. Conable, for creditor.

W. H. Taggart, for bankrupt.

BLATCHFORD, District Judge. I have carefully examined the testimony in this case in connection with the eight specifications filed on the part of Charles Walke, a creditor, in opposition to the discharge of the bankrupt, and am not satisfied that any one of the specifications is sustained by the proofs. The burden of proof is on the creditor, and although the character of the evidence is such as to show that the creditor was justified in examining closely into the transactions of the bankrupt, and in opposing his discharge, and there are many things disclosed by the testimony that are quite discreditable to the bankrupt, I cannot say that anything is shown that will warrant the withholding of a discharge. A discharge is therefore granted.

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