

IN RE PUFFER.

{2 N. B. R. 43 (Quarto, 17);¹ 15 Pittsb. Leg. J. 534.}

District Court, N. D. New York.

1868.

BANKRUPTCY—POWER OF REGISTER—QUESTIONS
ARISING UPON OBJECTIONS TO DISCHARGE.

A register in bankruptcy has no authority to decide questions arising upon objections properly urged against a bankrupt's discharge. Whether objections are sufficient or insufficient, the register must, notwithstanding, proceed with the case.

{Cited in *Re Graves*, 24 Fed. 552.}

This case came before the court upon the certificate of the register. It seemed that at the first meeting of creditors, a creditor appeared and filed objections to the discharge of the alleged bankrupt, alleging that the petitioner had wilfully sworn false in his affidavit annexed to the petition and schedules; that he was not insolvent, and had given preference to certain creditors, and had lost part of his property in gaming. The petitioner filed his answer to the objections, and they were sustained by the register, and referred to the judge for his ruling.

HALL, District Judge. The objections filed by the creditor are objections to the bankrupt's discharge, and it appears from the register's statement that the proper adjudication of bankruptcy was made; that the creditor proved his debt, and that an assignee was appointed. The register has no authority to decide questions arising upon objections properly urged against the bankrupt's discharge, and such questions are to be determined by the district judge, after the bankrupt has applied for his discharge under section twenty-nine of the bankrupt act [14 Stat. 531]. Even if these objections were sufficient in form and substance they would not stay the proceedings before the register,

and, though they are, in part, at least, clearly insufficient in form and certainty, it is not necessary now to decide how far they are insufficient, as the question is not properly before me. The register will proceed, notwithstanding these objections. If the creditor desires an examination of the bankrupt with a view to using such examination on opposing his discharge, or for any other purpose, he can proceed under district court rule twenty-six, which does not require the same particularity and certainty of statement which is required when the discharge is opposed.

Objections overruled, so far as the register's proceedings are concerned, but without costs.

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