

IN RE RICHARDS.

{4 Ben. 303;¹ 4 N. B. B. 93 (Quarto, 25).}

District Court, S. D. New York.

Aug., 1870.

BANKRUPTCY—EXAMINATION
BANKRUPT—GAMING.

OF

A bankrupt, under examination by the assignee, cannot refuse to answer questions as to his having lost money at gaming, on the ground that they will criminate or degrade him.

{In the matter of Andrew J. Richards, a bankrupt.}

By JAMES F. DWIGHT, 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 questions arose pertinent to the said proceedings, and were stated and agreed to by the counsel for the opposing parties, to wit: Mr. James Matthews for the bankrupt, and, Mr. William Russell, for William A. Hall, the assignee of the bankrupt. The following is a summary of the evidence upon the point to be submitted to the court. The bankrupt on his examination, at the instance of the assignee, testified among other things as follows: "Q. 299. Have you kept any account of moneys paid out by you during the year? A. No. Q. 300. Did you pay to Blake any money prior to the 24th December, 1869, for money borrowed by you of him? A. I do not remember. Q. 301. Did you pay to Blake any money other than his salary and the amount stated by you to have been paid on the 24th December? A. I may have paid him others, but I do not remember whether I did or not Q. 302. Have you played cards, faro, or any other game of chance with Henry D. Blake during the year 1869? A. No. Q. 303. You have not? A. No, sir. Q. 304. Nor with Mr. Loomis? A. I decline to answer that question. Q. 305. (By the Register.) Do you understand that your

answer to that question would criminate or degrade you? A. I think it would, and I decline to answer on that ground. Q. 306. (Mr. Russell.) Have you lost any money at games of chance during the year? A. I decline to answer that question on the same ground as I decline to answer the previous question.”

{I think the assignee is entitled to the information, and that the questions should be answered by the bankrupt. Which questions and opinion are respectfully submitted to the judge for decision.}²

James Matthews, for bankrupt.

William Russell, for assignee.

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BLATCHFORD, District Judge. I concur with the register in the view that the questions must be answered by the bankrupt.

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

² [From 4 N. B. R. 93 (Quarto, 25).]

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