

IN RE RICHARDSON.

[7 Ben. 155.]¹

District Court, S. D. New York.

Feb., 1874.

BANKRUPTCY—EXPENSES OF CONTESTING
CLAIM—PAYMENT OUT OF ESTATE.

Before the appointment of an assignee in bankruptcy, a reference to a register was had, on application of the bankrupt, to contest a claim of a creditor. The bankrupt was unable to pay any part of the expenses of such reference. *Held*, that they might be paid by the assignee out of the estate.

In this case the register certified that, before the election of assignee, the bankrupt [Clementina T. Richardson] objected to a proof of debt filed by one Sharpley, and made application to the court for a hearing on the claim, whereupon it was referred to the register to take proofs, which he took; that Sharpley had paid his share of the expenses of the reference, but the bankrupt had not paid any part of them, and had no means to pay them; and that the register had rendered a bill to the assignee, when appointed, for the bankrupt's share of the expenses, but the assignee doubted his right to pay it. The register certified the question whether the assignee would be justified in paying the bill, under the 28th section of the act [14 Stat 530].

BLATCHFORD, District Judge. The question certified must be answered in the affirmative.

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

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