

IN RE SHAFER ET AL.

{2 N. B. R. 586 (Quarto. 178); 1 Chi. Leg. News, 326.}¹

District Court, S. D. New York. May 19, 1869.

BANKRUPTCY—VOLUNTARY PETITION—DELAY IN SURRENDERING ASSETS.—CUSTODIAN.

Where debtors had been adjudged bankrupts on their own petition, but delayed to surrender their assets to the register, *held*, that an order should be issued for the immediate surrender thereof to the register, and the appointment by him of a proper custodian.

{Cited in *Re Brinkman*, Case No. 1,884.}

{Cited in *Williams v. Merritt*, 103 Mass. 187.}

{In the matter of *Shafer & Hamilton*, bankrupts.}

By I. T. WILLIAMS, Register:

This case coming on before me, one of the registers of this court, upon the return of the order of reference, and having adjudicated the bankruptcy of the said bankrupts, and it appearing from the schedules annexed to their petition that there is a large amount of assets, consisting of large quantities of liquor, now in possession of said bankrupts, and the said bankrupts, by their counsel, having intimated that they do not desire to surrender their said assets to the register, as there is a prospect of a settlement with their creditors, the register desired to be instructed by the court as to whether he ought to appoint a custodian of said assets, to take charge and custody thereof, until an assignee shall be appointed.

BLATCHFORD, District Judge. Let an order be entered that the bankrupts and all other persons, at once surrender to the custody of the register all the assets of the bankrupt which were in their possession

at the time of filing the petition, and that the register appoint a proper custodian of the same.

¹ [Reprinted from 2 N. B. R. 586 (Quarto, 178), by permission. 1 Chi. Leg. News, 326, contains only a partial report.]

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