

IN RE THOMPSON.

{2 Ben. 166;<sup>1</sup> 1 N. B. R. 323 (Quarto, 65).}

District Court, S. D. New York. Feb., 1868.

BANKRUPTCY—EXAMINATION OF  
BANKRUPT—DISCHARGE—ADJOURNMENT.

The pendency of an examination of the bankrupt is good cause for an adjournment of the proceedings, on the order to show cause why the bankrupt should not be discharged.

{Cited in Re Seabury, Case No. 12,573.}

{In the matter of John Thompson, a bankrupt.}

BY ISAAC DAYTON, Register:

{The order for creditors to show cause why the above bankrupt should not be discharged, being returnable on the 18th day of February, 1868, at eleven o'clock, the bankrupt with his counsel, Mr. E. More, appeared before me, and Mr. G. A. Seixas, duly appeared for the Merchant's Exchange Bank, a creditor having duly proved his debt, and having by letter of attorney duly authorized Mr. Seixas to appear, &c. An examination of the bankrupt, pursuant to an order of this court, is now going on before me, the same having been carried on and adjourned from day to day for several days, and having been this day continued and not concluded.

{Mr. Seixas thereupon requested that all proceedings upon the return of said order to show cause be adjourned, pending the examination of the bankrupt and others.

{Mr. More, on behalf of the bankrupt, objected to any adjournment on the ground that, unless Mr. Seixas should first enter his appearance under rule 24, it would be irregular 1019 to so adjourn the proceedings as to enable a creditor to enter his appearance in opposition to the discharge at a future day.

{Mr. Seixas claimed and insisted that an adjournment of the hearing and proceedings, upon the order to show cause, necessarily operates to extend the time for a creditor to enter his appearance in opposition, and that the rights of a creditor on the adjourned day of the order to show cause, are the same in all respects as on the return day.

{The opinion of the register is, that the pendency of the examination of the bankrupt constitutes good cause, under the 6th general rule, for adjourning the business of showing cause, and that such adjournment can properly be made without requiring the creditors to file an appearance under rule 24, objecting to the discharge. I accordingly adjourned the business to a day agreed upon by the parties. The bankrupt thereupon requests me to certify my opinion to the court, which I now respectfully do.}<sup>2</sup>

BLATCHFORD, District Judge. The register was correct in his decision.

<sup>1</sup> {Reported by Robert D. Benedict, Esq., and here reprinted by permission.}

<sup>2</sup> {From 1 N. B. R. 323 (Quarto, 65).}

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