

IN RE TRASK.

[7 Ben. 60.]¹

District Court, S. D. New York.

Nov., 1873.

WITNESS—PRIVILEGE—REFUSAL TO TESTIFY AS
TO PRIVATE BUSINESS.

It is not sufficient reason for refusing to testify before a register, as to the actual consideration paid for claims by a witness, who is assignee of certain debts due from the bankrupt to some of his creditors, that the consideration did not come from the bankrupt or his estate, and that to answer would be revealing the private business of the witness unnecessarily, and possibly to his prejudice, in another suit then pending.

[In the matter of Benjamin J. H. Trask, a bankrupt.]

The register certified to the court, upon request, the question, whether a witness should not be compelled to give the actual consideration paid for certain claims against the bankrupt, which he held by assignment. The witness objected to answering, because the consideration did not come from the bankrupt or his estate, and to testify would be to reveal his own private business affairs, and he further alleged that a suit against him was then pending elsewhere, in which the counsel for the creditors making the inquiry was counsel against him, and he believed the information now sought was to be for the counsel's benefit in that suit, and not for the interest of the creditors of the bankrupt in this proceeding. The counsel for the creditors alleged suspicion of fraudulent concealment of the property of the bankrupt, as the reason for seeking the testimony of the witness. The register ruled that the witness must answer the questions, and certified the questions and refusals to the court.

BLATCHFORD, District Judge. No sufficient reason is presented why the witness should not answer

the questions above set forth which he declined to answer.

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

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 