

Case No. 18,029.

IN RE WOOLFORD.

{4 Ben. 9;<sup>1</sup> 3 N. B. R. 444 (Quarto, 113).}

District Court, S. D. New York.

Jan., 1870.

EXAMINATION OF BANKRUPT'S WIFE.

A bankrupt's wife must attend before the register and submit to an examination, the same as any other witness, under section 26 of the bankruptcy act [of 1867 (14 Stat. 529)], and may be punished for contempt, under section 7, if she refuses to answer.

<sup>2</sup> [At a court of bankruptcy, held at the court-house in Catskill, in said district, on the 17th day of January, A. D. 1870, before Mr. THEODORE B. GATES, register of said court in bankruptcy:

{On the 23d day of November, A. D. 1869, Edwin H. Crandell, the assignee in the above entitled matter [of Staats D. Woolford, a bankrupt], filed with the undersigned a written application for the examination of one George Titus, and Olive Woolford, wife of the said bankrupt which said application was filed, with other papers, in the district clerk's office, on the 2d day of December, A. D. 1869, and to which reference may be had. Such proceedings were thereupon had that an alias order was granted, returnable before me at the court-house in Catskill, on the 7th day of January, 1870, which said order is hereto attached.

{On the return day of said order, said Olive Woolford appeared by James B. Olney, her attorney, and filed the certificate and affidavit, upon which the examination of said Olive Woolford was adjourned to the 17th day of January instant, when the said Olive Woolford appeared by her said attorney for the

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purpose of taking the objection, and did take the objection, that the bankrupt law does not give the register authority, nor does it vest in the court any power to require the wife of the bankrupt to appear and be examined, and that there were no sufficient grounds for such examination set out in the application for her examination. And her said attorney requested that such question might be certified to his honor the district judge, for his decision. And I do so certify it.]

BLATCHFORD, District Judge. The wife of the bankrupt must attend and submit to an examination, the same as any other witness, under section 26. If she does not attend, on being summoned, her attendance may be compelled by a warrant to the marshal, under which she may be brought before the register and detained until her examination is concluded. If, when she comes or is brought before the register, she refuses to answer, she may, under section 7, be punished for contempt.

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

<sup>2</sup> [From 3 N. B. R. 444 (Quarto, 113).]