



A Treatise on the Elements of Bankruptcy Law; For the Use of Law Students

Harold Remington

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1911 edition. Excerpt: ... the property or its proceeds still in the control of the bankrupt and to require that it be produced and surrendered to the trustee. And the court is not debarred from using its own common sense in rejecting testimony which seems to it improbable.³⁶ If, however, from the nature of the circumstances, an

30. "Remington on Bankruptcy," § 1842. 31. "Remington on Bankruptcy," § 1843. 32. "Remington on Bankruptcy," § 1844. 33. "Remington on Bankruptcy," § 1845. 34. "Remington on Bankruptcy," § 1839. 35. "Remington on Bankruptcy," § 1849. Rem--16 equal presumption of loss or expenditure arises, the presumption, of continued possession, of course, will not prevail; thus, simply to prove that a business man some time since received a consignment of goods or received a number of consignments of goods, would not raise a presumption that he still has them, for the circumstances would of themselves raise the offsetting presumption that, in the ordinary course of trade, these goods had been sold; so that the presumption of continued possession is, then, only as strong as the nature of the circumstances permits.³⁷ The order for surrender of the assets must describe definitely the property to be surrendered. It has been held, indeed, that the order should not be to pay the "value" of the goods: that the finding should not be so indefinite as not to show in what form the property exists at the present time;³⁸ yet such a rule

36. "Thus, as to evasive answers and repetitions of "I don't know," and "I don't remember," as to matters naturally within the witness' knowledge. 37. "Remington on...

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