

IN RE SWEET ET AL.

{9 N. B. R. 48; 21 Pittsb. Leg. J. 82.}¹

District Court, E. D. Michigan.

1874.

BANKRUPTCY—ASSIGNEE'S
ACCOUNT—AUCTIONEER'S
CHARGES—NECESSITY FOR SERVICES OF
AUCTIONEER.

The law contemplates that the assignee himself shall sell the property of the bankrupt. Where an auctioneer is employed the assignee must show affirmatively the necessity for such employment, or the auctioneer's charges will not be allowed him by the court in his final account.

On exceptions to assignee's final account, filed by the register, Hovey K. Clarke, Esq.

LONGYEAR, District Judge. In regard to the employment of an auctioneer, I entirely agree with the learned judge of the Western district of Texas in *Re Pegues* [Case No. 10,907], where he says: "the law contemplates that the assignee shall himself sell the property of the estate. There may be cases in which it would be proper to employ an auctioneer, but the necessity for so doing should be first shown to the court, and leave obtained." At all events, the assignee having taken the responsibility upon himself to employ an auctioneer he must now make the necessity of such aid, and the reasonableness of the amount paid therefor, to appear, before he can have that charge allowed.

¹ [Reprinted from 9 N. B. R. 48, by permission. 21 Pittsb. Leg. J. 82, contains only partial report.]

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