

Hall Vs. Allen

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Court : US Supreme Court

Decided On : 1870

Appeal No. : 79 U.S. 452

Appellant : Hall

Respondent : Allen

Judgement :

Hall v. Allen - 79 U.S. 452 (1870)

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Hall v. Allen

79 U.S. (12 Wall.) 452

MOTION TO DISMISS FOR WANT OF JURISDICTION

AN APPEAL FROM THE CIRCUIT COURT FOR MISSOURI

SYLLABUS

A question relating to the adjustment of priorities and conflicting interests in a bankrupt's estate in his assignee's hands, arising on motion before the register, was taken, by means of a case and question agreed on, into the district court. The

decision of that court was in turn taken by appeal to the circuit court, which reversed the decision. The action of the circuit court herein, *held* to have been under the 2d section of the Bankrupt Act and only in the exercise of its superintending and revisory jurisdiction, and hence, on the authority of [Morgan v. Thornhill](#), 11 Wall. 65, not capable of being brought by further appeal here.

The act to establish a uniform system of bankruptcy * gives to the district courts exclusive original jurisdiction in matters of bankruptcy, including "the adjustment of the

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various priorities and conflicting interests of all parties." The act enacts, however, by its 2d section:

"That the several circuit courts . . . within and for the districts where the proceedings in bankruptcy shall be pending shall have a general superintendence and jurisdiction of all cases and *questions* arising under this act, and except when special provision is otherwise made, may, upon bill, petition, *or other process* of any party aggrieved, hear and determine the case as a court of equity."

The 6th section of the same act, after speaking of the district court, provides that

"In any bankruptcy or in any other proceedings, . . . the parties concerned may, at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the court, and the judgment of the court shall be final unless it be agreed and stated in such special case that either party may appeal if in such case an appeal is allowed by this act."

With these provisions in force, one Downing, doing both an individual and a partnership business and having creditors of both classes, was declared a bankrupt, and Allen was appointed his assignee. The bankrupt cause having been referred to a register in bankruptcy, a question arose upon the facts of the case (not disputed) whether the separate creditors were to be paid in full before the partnership creditors should get anything, the question arising upon some motion

made before the register. And a case and the question upon it and the motion being agreed on by the counsel, the register certified the whole to the district court for its opinion, a right of appeal being reserved to all parties. That court decided that the separate creditors were to be paid in full, to which decision the assignee excepted, and the court signed a bill of exceptions. The assignee now appealed to the circuit court. That court reversed the decision of the district court. An appeal was then taken to this Court by the assignee from the decision -- the appeal which it was now asked to have dismissed.

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THE CHIEF JUSTICE:

It is quite evident that the decision of the circuit court was made in the exercise of its superintending and revising jurisdiction, and this Court decided at the last term, in *Morgan v. Thornhill*, that no appeal can be taken from the decision of the circuit court in the exercise of that jurisdiction. The appeal, therefore, is

Dismissed.

* 14 Stat. at Large 518.

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