

Case No. 5,971.  
[8 Ben. 98.]<sup>1</sup>

IN RE HAMBERGER ET AL.

District Court, S. D. New York.

May, 1875.

REGISTER'S FEES—GENERAL ORDER NO. 80.

Under general order No. 30 a register is entitled to charge \$5 a day for each day's service while actually employed under a special order of the court, in all ordinary cases; but the court has power to fix the compensation at a smaller rate, if the circumstances of a particular case should warrant it.

[See note at end of case.]

[In bankruptcy. In the matter of Max Bamberger and Berthold Frankel.]

In this case the register certified that he had rendered a bill to the assignee for four days' service under a special order of the court, at \$5 a day; and that the assignee claimed that, under general order No. 30, he could not pay the register anything until the rate had been fixed by the court, either by general rule or by order in the particular case. The register held that he was entitled to five dollars "for each day's service while actually employed under a special order of the court," in all ordinary cases, reserving to the court the power to fix the rate of compensation at a less figure, where the circumstances in a particular case should warrant it.

BLATCHFORD, District Judge. I concur with the register in his views.

[NOTE. In Case No. 5,974, Blatchford, District Judge, held that, under general order No. 30, counsel fees for services rendered the bankrupt,

prior to the appointment of the assignee, were not a proper charge against the estate. The same judge also held (Case No. 5,975) that the assigned estate was liable for reasonable rent for premises occupied by the assignee.]

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