

IN RE REIN.

{8 Ben. 188.}¹

District Court, S. D. New York.

July, 1875.

TAXING MARSHAL'S FEES—POWER, OF STANDING AUDITOR.

A marshal's bill of costs had been taxed by the standing auditor of the court, and the register was applied to, to countersign the assignee's check for its payment, which he declined to do: *Held*, that the standing auditor had no power to tax the bill, and the taxation must go for nothing.

{In the matter of Philip Rein, a bankrupt.}

The register in this case certified to the court that he had been applied to, to countersign the assignee's check for the payment of the marshal's bill of costs, which had been taxed by the standing auditor, on April 5th, 1875, and that he had declined to countersign the check, being of the opinion that the auditor had no power to tax the bill.

BLATCHFORD, District Judge. I concur in opinion with the register, that the standing auditor had no jurisdiction to tax this bill. The taxation, therefore, must go for nothing.

{For subsequent proceedings in this litigation, see Case No. 11,678.}

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