

IN RE SANGER ET AL.

{5 N. B. R. 54.}¹

District Court, S. D. New York. April 24, 1871.

BANKRUPTCY—COUNSEL FOR PETITIONING
CREDITORS—AMOUNT OF FEE.

Where a counsel for petitioning creditors obtains an adjudication, and performs other services incident to the bankruptcy proceedings, but it does not appear that he has in any way recovered property fraudulently conveyed to or possessed of by creditors, and the assets of the estate amount to about the sum of fifteen thousand dollars, an allowance of one thousand dollars made to the counsel for petitioning creditors, by the register before whom proceedings are pending, is too extravagant, and will not be confirmed unless assented to by the assignee, the bankrupts and all the creditors who have proved their debts.

{In the matter of Sanger & Scott, bankrupts.}

By JOHN FITCH, Register:

It having been referred to me to take the testimony upon the services that have been performed herein by the counsel for the petitioning creditors, and also to tax the disbursements actually and necessarily incurred herein, and also to report on proof what counsel fee should be reasonably allowed said counsel for his services in obtaining said adjudication in view of the amount of assets in the hands of the assignee, and to report the same with my opinion thereon to the court, do respectfully report as follows: That on the twenty-first and twenty-second days of April, eighteen hundred and seventy, the counsel for the petitioning creditor and his witness attended before me. The assignee, Rich. Warren, Esq., being present on the first day, and having heard the testimony as to the amount of assets, and not dissenting therefrom. That I took the testimony of said counsel and witness; and that by said testimony it appears that the counsel

performed considerable service in those proceedings, being occupied daily in said proceedings for some time. That the said services were reasonably worth, in view of the assets being at least fifteen thousand dollars, the sum of one thousand dollars, and I therefore, upon said testimony, do report that in my opinion the 384 sum of one thousand dollars would lie a reasonable amount to allow said counsel for his services herein, in and about the obtaining of said adjudication, and I do further report that I have taxed the costs and disbursements actually and necessarily incurred herein, and that the sum amounts to one hundred and sixty-eight dollars and seventy cents. All of which is respectfully submitted.

BLATCHFORD, District Judge. The one thousand dollars is too extravagant. I cannot allow it unless the assignee and the bankrupts and all the creditors who have proved their debts assent in writing.

Bill of costs and disbursements in the above case:		
1871	Docket fee	\$ 20 00
February 24.	Paid clerk's fees on filing petition	9 40
" 25.	Paid certified copy order of injunction	2 50
March 3 & 4.	Affidavits	75
" 6.	Certified copy order of reference	1 60
" 3.	Certified copy order of adjudication	1 60
" 18.	Clerk and register's fees on warrant	58 55
" 25.	Commissioner's fees	10 50
" 25.	Printed notices	10 00
" 29.	Postage	1 75
" 29.	Affidavits	25
" 30.	Paid copy order of sale for Toffeng	1 60

“ 31.	Paid copy order of sale for Wilmerding, Hoguet & Co	1 60
	Register's bill for affidavits, orders, summons, testimony of witness and day's examination	32 00
	Attending on order of reference as to counsel fee, report, affidavit and listening	15 00
	Total	\$168 70

Alex. Blumenstiel being duly sworn says that he is attorney for the petitioning creditors herein, that the foregoing disbursements have been actually and necessarily incurred herein. A. Blumenstiel.

Sworn to before me, this twentieth day of April, eighteen hundred and seventy one. John Fitch, Register.

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