

THE FRISIA AND THE JOHN N. PARKER.<sup>1</sup>  
 KITCHIN *v.* THE JOHN N. PARKER.

*District Court, E. D. New York.*      May 11, 1885.

COSTS—FOREIGN  
 COMMISSION—EVIDENCE—CUSTOMARY  
 RATE—REASONABLE CHARGE.

In the absence of evidence to show the existence at the place of executing a commission of a customary rate of charges for commissioner's services, or for like services, proof that the sum actually paid the commissioner is a reasonable sum for like work at the place of payment is sufficient to warrant the allowance of the item as a disbursement properly made to secure the execution of the commission. See S. C. 24 Fed. Rep. 495.

In Admiralty.

*Jas. K. Hill, Wing & Shoudy*, for libelants.

*Benedict, Taft & Benedict*, for the John N. Parker.

BENEDICT, J. In the absence of evidence showing the existence at the place of executing a commission to take testimony of a customary rate of charges for services rendered by the commissioner in executing the commission, or for like services, I am of the opinion that proof of the fact that the sum actually paid the commissioner is a reasonable sum to pay for like work at the place of payment will warrant the allowance of the item as a disbursement properly made to secure the execution of the commission. If the decision in the case of *Sedgwick v. Grinnell*, 10 Ben. 6, was intended to apply to a case where there is no proof of the existence at the place of executing the commission of a customary rate of charges for like services, I am unable to agree with it. In this case the proof is, in my opinion, sufficient to justify the allowance of \$130.25 as a proper disbursement to secure the execution of the commission.

<sup>1</sup> Reported by R. D. & Wyllys Benedict, Esqs., of  
the New York bar.

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