

taxed by the register. The petition filed by the defendants on the 30th of July, 1853, will be dismissed.

ALEXANDER and PRATT, for Complainants.

RANDALL, for Defendants.

[From the decree passed in accordance with the above directions, an appeal was taken by the defendants, which is still pending.]

IN THE MATTER OF THE ESTATE OF }
 RACHEL COLVIN, A LUNATIC. } DECEMBER TERM, 1853.

[ALLOWANCE OF COUNSEL FEES, &C., TO THE COMMITTEE OF A LUNATIC.]

EXPENDITURES for stationery do not come within the range of disbursements, which a committee or receiver is permitted to make at the expense of the estate.

The first allowance is for costs of the commission, which includes legal costs with counsel fees paid by the petitioner in conducting the inquisition of lunacy, under which the party is found to be a lunatic, these are all allowed unless excluded by a previous order of the court.

Fees paid to counsel for conducting a controversy, as to whether the lunacy did or did not commence at an earlier date than the filing of the petition cannot be allowed out of the estate, they must be paid by the parties who carried it on.

Counsel fees paid for services rendered in litigating the question who should be appointed committee, will not be allowed out of the estate; if the parties interested differ, and choose to litigate this point, they must do so at their own expense.

Fees paid for legal services rendered, the committee, in the discharge of his duty as such, in defending and protecting the estate of the lunatic, are proper and fair allowances.

Costs and counsel fees paid by the committee and receiver, in carrying on a controversy in the Orphan's Court after the death of the lunatic in regard to the appointment of an administrator, cannot be allowed out of the estate.

The estate cannot be charged with the cost of a litigation about the appointment of a receiver, the parties carrying on such a controversy must do so at their own expense.

The committee and receiver holds his office at the discretion of the court, and