

have such bill of costs taxed by the usual taxing officer of the Court in the County where such attorney or solicitor or their representatives then reside, and of the Court mentioned in such bill of costs.

5. It shall be the duty of the taxing officer, upon the production to him of the said notice requiring such taxation, with an affidavit of personal service thereof, or that the same was left at the party's usual place of business or abode with some grown up person, forthwith to make an appointment under his hand to tax such costs, and thereupon, after service of such appointment on the opposite party, to proceed with the taxation, according to the terms of such appointment; and such taxation may be postponed and continued as may be considered necessary until completed, when a certificate of the amount of such taxation shall be given by the taxing officer to either party requiring the same, and such costs shall only be recoverable by suit in some Court of competent jurisdiction, any law usage or practice to the contrary notwithstanding. 15

#### RETAINERS.

6. No retainer shall be allowed or taxed in any bill of costs; and it shall be the duty of the Judge presiding at the trial of any cause wherein such charge is made, to disallow the same, whether such action is contested or not. 20

#### JUDGE PRESIDING IN DIVISION COURT MAY ORDER BILL OF COSTS TO BE TAXED.

7. The Judge presiding in any Division Court may, if he thinks proper, in any suit pending before him in the said Court to recover the amount of an attorney's or solicitor's bill of costs, order the same to be taxed by the usual taxing officer in the County wherein such Division Court shall be holden and of the Court mentioned in such bill. 25

#### COSTS OF SALE OF LANDS UNDER POWER OF SALE CONTAINED IN A MORTGAGE TO BE TAXED.

8. The costs and expenses of a sale of any land, under a power of sale contained in any mortgage, shall be taxed by the Clerk or Deputy Clerk of the Crown, or other taxing officer of the County wherein such lands shall be situated, or of the County wherein such mortgage was executed, or wherein the mortgagee or assignee resides, upon the requisition of the mortgagor or any subsequent mortgagee, or of any party liable to pay the same or having any lien or claim on the mortgaged premises, or of the attorney of any such mortgagor, mortgagee, or party, and upon payment or tender of the expenses of such taxation (one shilling and nine pence). 30

9. No more, or other, or greater costs or charges shall be payable, collected or received for or in respect of any sale of lands, in pursuance of a power of sale contained or referred to in any mortgage, than as follows:—

| COSTS OF MORTGAGE SALE.                                                                                                                  |  | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------|--|---|----|----|
| Notice of sale, inclusive of copies, demand of payment, attendances, drawing advertisements, letters, affidavits, and bill of costs..... |  | 1 | 10 | 0  |
| Every necessary conveyance .....                                                                                                         |  | 0 | 15 | 0  |
| The Sheriff, or other person, for serving each notice or paper.....                                                                      |  | 0 | 1  | 3  |
| Affidavit, when drawn by Sheriff.....                                                                                                    |  | 0 | 1  | 3  |
| Actual and necessary mileage, from the Court House of the County wherein service of any notice of paper is made, per mile .....          |  | 0 | 0  | 6  |
| The sum actually and necessarily disbursed for postage.                                                                                  |  |   |    |    |
| The sum actually and necessarily disbursed for printing in some weekly paper.                                                            |  |   |    |    |