

An Act to amend the Law in relation to Law Costs in the Courts of Common Law and Chancery in Upper Canada.

WHEREAS the costs now allowed by law in actions and proceedings in Her Majesty's Courts of Common Law and Chancery in Upper Canada are exorbitant, and it is expedient that the law in relation thereto should be amended, so as to provide a tariff of costs better suited to the circumstances of the inhabitants of a new country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

TAXATION OF ATTORNEYS' AND SOLICITORS' COSTS.

1. Upon the settlement of any suit in Her Majesty's Courts of Common Law or Chancery in Upper Canada, either in whole or in part, the attorney or solicitor claiming any fees or costs which shall not have been taxed, shall, upon being required by the defendant or plaintiff, or the attorney or solicitor of either party, and on payment or tender of the expenses of such taxation (one shilling and nine pence), have his fees or costs taxed by the usual taxing officer in the County in which the suit has been brought or the venue laid, and of the Court in which the suit may be pending.

TAXATION OF SHERIFF'S FEES.

2. Upon the settlement of an execution, either in whole or in part, by payment, levy or otherwise, the sheriff or officer claiming any fees, poundage, incidental expenses or remuneration which shall not have been taxed, shall, upon being required by either plaintiff or defendant, or the attorney of either party, and on payment or tender of the expenses of such taxation (one shilling and nine pence), have his fees, poundage, incidental expenses or remuneration, as the case may be, taxed by the Clerk or Deputy Clerk of the Crown of the County wherein such sheriff shall keep his office.

COSTS NOT TO BE COLLECTED UNTIL TAXED.

3. No sheriff, attorney or solicitor shall collect any fees, costs, poundage, or incidental expenses after having been required to have the same taxed, without taxation, and upon tender of the amount taxed no fees, costs, poundage or incidental expenses, in respect of proceedings subsequently taken, shall be allowed to any sheriff, attorney or solicitor.

TAXATION OF COSTS AFTER DELIVERY OF BILL.

4. Whenever an attorney or solicitor delivers his bill of costs according to law, the person liable to pay the same may at any time before payment give the attorney or solicitor delivering such bill, or the executor or administrator of such attorney or solicitor, notice in writing to