

statement in a form slightly modified. "Mr. Agar," he says, "questions the assertion that a twenty dollar suit *often* causes \$20 costs in these Courts. My experience in Division Court matters leads me to think that this assertion is correct." He does not tell us what his experience has been. Mine is as follows: I have been Clerk of the Second Division Court of the County of Oxford since 1858. The total number of suits entered in this Court within that time, including the said year, is 2,776. Of these, so far as I can now discover, or remember, only two have been charged with the amount of costs mentioned. One of these was for \$100. The costs amounted to \$35 70. But this included the costs of an attachment and sale of perishable property, attendance of five witnesses, and mileage, and a reference to an arbitration to ascertain the amount due on complicated cross accounts, the arbitrators holding two meetings and calling several witnesses. [*Quere*: Could all this have been done in the County Court for \$35, or \$65?] The other was for a small amount, but several witnesses were in attendance, one of whom was brought from Owen Sound, about 100 miles, under a Queen's Bench subpoena.

In order still further to satisfy myself as to what is about the average amount of costs per suit in this Court, I have examined, with reference to this question, the first 38 suits of the present year, on which any order was made, as they stand in the Procedure Book of this Court, with the following result:—

The total amount sought to be recovered was \$1,336 22; average amount per suit, \$33 16. The total amount of costs charged on these suits, including aliases, adjournments and witness fees, was \$157 48, or an average cost per suit of \$4 14, nearly. I have no reason to doubt but the above is a fair representation of the usual costs in these Courts, and that the same number of suits taken consecutively from any other part of the Procedure Book of this Court, or from the Procedure Book of any other Division Court, would give very nearly the same results.

Your correspondent pretends to give the costs of a suit in the County Court, for a claim for \$400. "I pay for the summons," he says, "62c. I pay the sheriff, say \$1, for service, and the lawyer's costs would be \$6, if paid on service." Is it by such loose state-

ments as the above that the public are to be informed on questions of this nature? And what need is there for loose conjectural statements at all? Are not the costs in both Courts exactly regulated by law? If your correspondent will refer to the tariff of costs of the respective Courts, he will find that he cannot prosecute a claim to judgment in the County Court, allowing \$6 for lawyer's fees, for less than \$11 81, making no allowance for witnesses or for sheriff's mileage. In a Division Court a claim for \$20 may be prosecuted to judgment for \$1 65, or a \$100 claim for \$4 20, in case no witness is called and no mileage allowed to bailiff. If more than these amounts accrue in costs, it will be owing to witness fees, mileages, adjournments, &c., to which one court is as liable as the other, with this difference, however, that in a Division Court no witness can claim more than 50c for attendance, while in the County Court this item often amounts to \$5 or \$6.

From these simple statements of facts, I think I am justified in arriving at the following conclusions:—

1. It is not true that the costs in a \$20 suit in these Courts *usually*, or *often*, run up to \$20.
2. It is not true that a \$400 note can be prosecuted to judgment in a County Court with no more costs than is represented by your correspondent's figures—62c., \$1 and \$6.

Lastly, it is not true that the costs in Division Courts are proportionately higher than in County Courts.

I remain, Gentlemen,

Very respectfully yours, &c.,

CLERK.

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## APPOINTMENTS TO OFFICE.

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Major-General CHARLES HASTINGS DOYLE, to be Lieutenant Governor of Nova Scotia.—(Gazetted October 19, 1867.)

Colonel FRANCIS PYM HARDING, C.B., to be Lieutenant Governor of the Province of New Brunswick.—(Gazetted October 19, 1867.)

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## TO CORRESPONDENTS.

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"CLERK," under Correspondence.

"T. A. AGAR," too late, Will appear in our next.