

4. The provisions of sections one, two and three shall not apply to any suit wherein the venue is laid in the County of York, and either party interested may appeal from any such decision or order to the Court in which the action is pending, or to a judge of one of the Superior Courts at Chambers, and such Court or judge may affirm, reverse or modify such decision or order, or make such other order upon the subject matter of appeal and the proceedings had therein and with or without costs as to such Court or judge seems meet. 5

5. Whenever in any action upon any written instrument under seal or without seal, the execution thereof shall be denied by pleading, the plaintiff shall not be put to the proof of the execution of the instrument or the handwriting of the defendant, unless the defendant or some one in his behalf shall file and serve a copy of an affidavit of the truth of the plea; and such affidavit shall be filed by the defendant with the plea and a copy served with the plea, and the plaintiff shall annex a copy of such affidavit to the Record entered for trial, and this section shall apply in actions brought against endorsers as well as other parties to Bills of Exchange and Promissory Notes. 15

TAXATION OF SHERIFFS' COSTS.

6. 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 Deputy Clerk of the Crown of the County wherein such sheriff shall keep his office. 25

TAXATION OF ATTORNEYS' AND SOLICITORS' COSTS.

7. Upon the settlement of any suit in Her Majesty's Courts of Common Law or Chancery, 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. 30

COSTS NOT TO BE COLLECTED UNTIL TAXED.

8. No Sheriff, Attorney or Solicitor shall collect any fees, costs, poundage, or incidental expenses after having been required as aforesaid to have the same taxed, without such taxation having been made.

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

9. The costs and expenses of a sale of any land under a power of sale contained in any mortgage, shall be taxed by the 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, 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.) 50