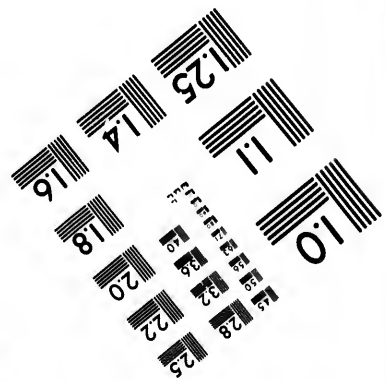
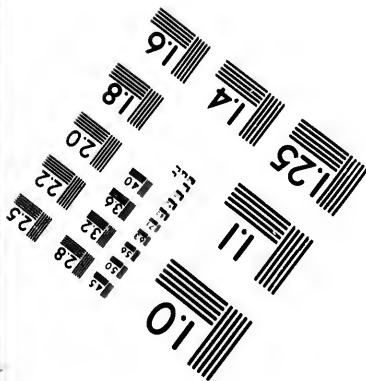
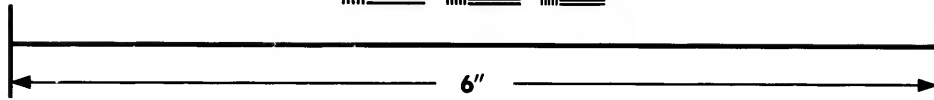
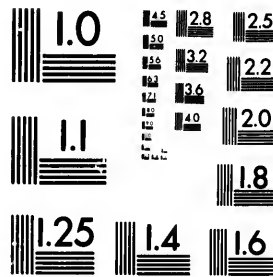


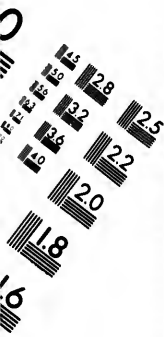
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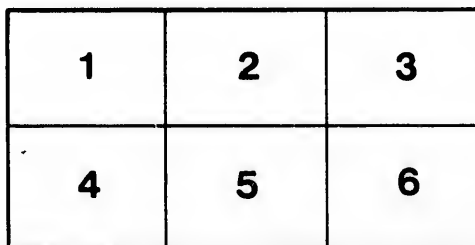
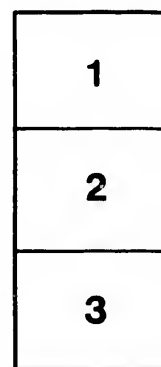
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*5 A. G. McLean*

*1874*

# TABLE OF COSTS

FOR THE

SEVERAL

# COUNTY COURTS

IN ONTARIO.



TORONTO:  
HUNTER, ROSE & CO.  
1874.

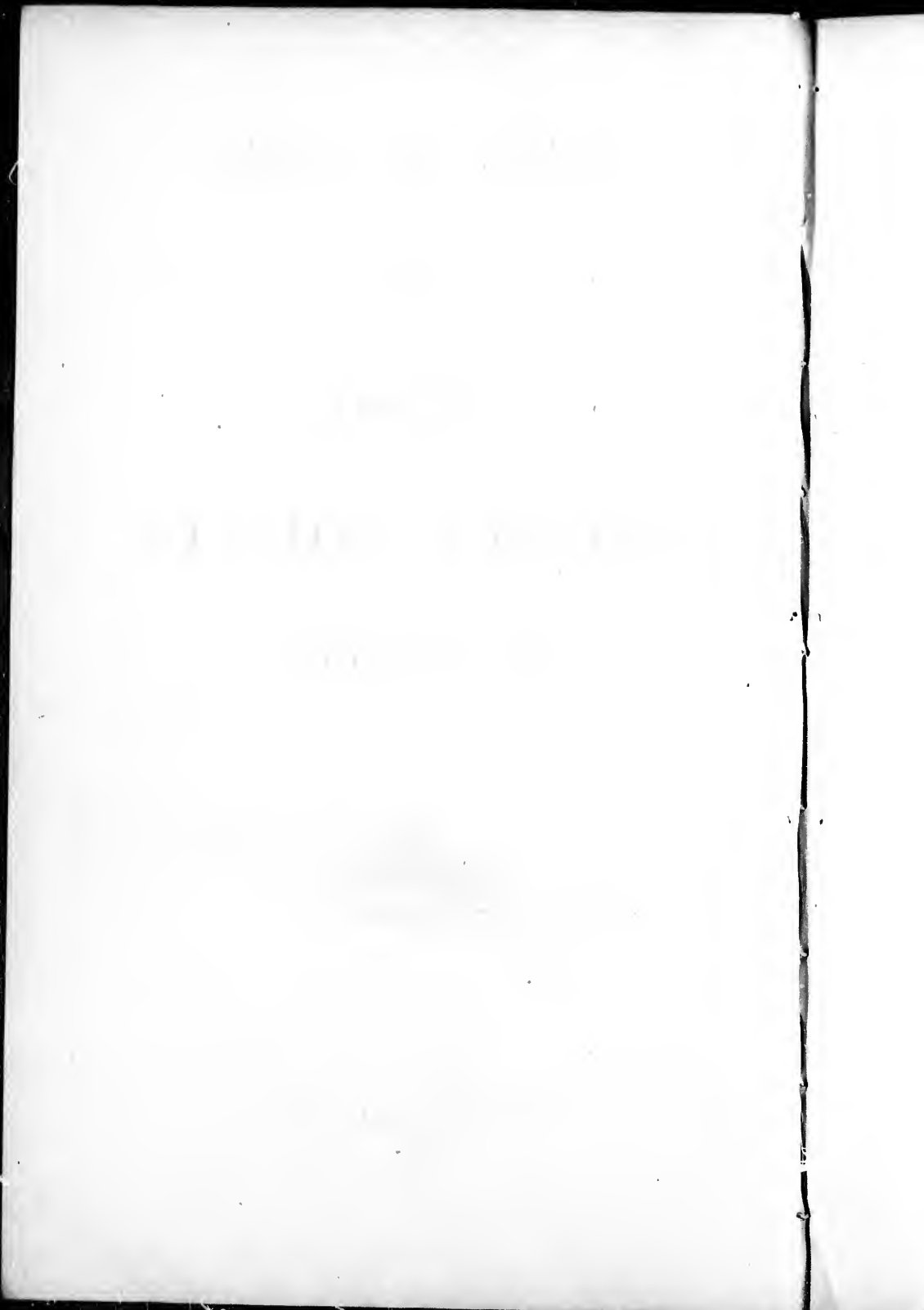
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TABLE OF COSTS  
FOR THE  
SEVERAL  
COUNTY COURTS  
IN ONTARIO.



TORONTO:  
HUNTER, ROSE & CO.  
1874.





# TABLE OF COSTS

FOR THE

## COUNTY COURTS IN ONTARIO.

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WHEREAS it is provided by the "Common Law Procedure Act" that the Judges of the Superior Courts of Common Law at Toronto, or any three of them, (of whom one of the Chief Justices shall be one,) may from time to time frame a Table of Costs for the several County Courts, and ascertain, determine, declare and adjudge, all and singular the fees allowed to be taken by Counsel, Attorneys, Sheriffs, Coroners, and officers of the said County Courts respectively, in all matters, causes, and proceedings depending in the said Courts or before the Judges thereof, in all actions and proceedings within the jurisdiction of such County Courts, or of the Judges thereof, and that the Judges so framing or altering such Table of Costs may associate with them, in framing or altering such Table, any one of the County Court Judges appointed to "The Board of County Judges" under the "Division Courts Act."

And whereas the Chief Justice of Ontario, the Chief Justice of the Court of Common Pleas and the Judges of the Superior Courts of Common Law, at Toronto, have assumed the duties so provided for, and in the exercise of the powers given as aforesaid, associated with them in the performance thereof James Robert Gowan, Senior Judge of the County Court of the County of Simcoe and Chairman of "the Board of County Judges."

In pursuance, therefore, of the powers contained in the said "Common Law Procedure Act," the following Table of Costs for

the said several County Courts in Ontario has been framed by the said Chief Justices and Judges, and it is determined, declared and adjudged, that from and after the 1st day of March next all and singular the costs and fees mentioned in the said Table, and no other or greater, shall be allowed in taxation, or taken, or received, by any Counsel or Attorney, Sheriff, Coroner, or officer, respectively, in the said County Courts, for any business by them, respectively, to be done or transacted in the said County Courts, or before the Judges thereof.

WM. B. RICHARDS, C. J.

JOHN H. HAGARTY, C. J. C. P.

JOS. C. MORRISON, J.

ADAM WILSON, J.

THOMAS GALT, J.

JAS. ROBT. GOWAN, Co. J.

Toronto, fifth day of January, 1874.

TABLE OF COSTS.

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GENERAL ALLOWANCE FOR PLAINTIFFS AND DEFENDANTS,  
AS WELL BETWEEN ATTORNEY AND CLIENT,  
AS BETWEEN PARTY AND PARTY.

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TO THE ATTORNEY.

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WRITS.

Summons, including attendance.....	\$1 00
Concurrent Summons.....	0 75
Renewed Summons.....	0 75
Capias.....	1 00
Concurrent Capias.....	0 75
Renewed Capias.....	0 75
Capias ad Satisfaciendum.....	1 00
Renewed Capias ad Satisfaciendum .....	0 75
Capias ad Satisfaciendum for the residue.....	1 00
Renewed do. do. ....	0 75
Fieri Facias.....	1 00
Renewed Fieri Facias .....	0 75
Concurrent Fieri Facias .....	0 75
Fieri Facias for the residue.....	1 00
Renewed do. ....	0 75
Special Endorsement of Demand on Writ of Summons.....	0 75
Writs of Revivor and Attachment, each .....	1 00
Subpoena ad Testificandum .....	0 50
Subpoena duces Tecum.....	0 75
(and if above four folios, additional per folio 10 cents.)	
Venditioni Exponas.....	1 00
All other writs necessary .....	1 00
<small>NOTE.—The above allowance includes all charges for attendance for the Writ, and delivering it to the officer.</small>	
For each copy including copies of all notices required to be endorsed.....	0 50

Service of each Copy of Writ if not done by the Sheriff or an officer employed by him when taxable to the Attorney.....	\$0 25
Mileage per mile for the distance actually and necessarily travelled when taxable to the Attorney.....	0 10

### INSTRUCTIONS TO THE ATTORNEY.

Taking Instructions to sue or defend.....	2 00
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#### *Instructions for Pleadings:*

Instructions for Special Affidavits when allowed by the Clerk and instructing Counsel on Special matters.....	0 50
Instructions to Counsel in Common matters.....	0 25
Do. for Brief.....	1 00
Do. for every suggestion.....	0 50
Do. for issue of fact by Consent.....	0 75
Do. for suggestion to revive or for suit of revivor when no rule necessary.....	0 50
Do. for rule for writ of revivor when necessary.....	0 50
Do. to defend Executor after suggestion of death by original defendant.....	0 50

### DRAWING PLEADINGS, &c.

Declaration.....	1 00
If above ten folios, for every folio above ten, in addition (but in no case to exceed \$2.00 for whole declaration).....	0 20
One or more Pleas, if five folios or under.....	0 75
If above five folios, for every folio in addition (but in no case to exceed \$1.50 for pleas).....	0 20
Joinder of Issue inclusive of copies and engrossing.....	0 25
Demurrer.....	0 50
Joinder of Demurrer, inclusive of copies and engrossing.....	0 25
Marginal statement of matters of Law for argument exclusive of copy for the Judge.....	0 50
Replications, new Assignment, and other Pleadings, the same as the foregoing charges for Pleas.....	0 50
Postea, including engrossing.....	0 50
Judgment, whether by default or final.....	0 25
Authority to receive money out of Court.....	0 25
Suggestions, Pleas to Suggestions and subsequent Pleadings inclusive of engrossment.....	0 50
Issue for the trial of fact by agreement, for every folio.....	0 20
Special Case, per folio.....	0 20
Drawing Interrogatories or answers for any purpose required by Law, including engrossing, per folio.....	0 20
Particulars of demand, or set off.....	0 50
Special particulars of do per folio.....	0 20
Bill of Costs.....	0 50
Copy for the opposite party, each.....	0 25
Taking Cognovit and entering Judgment thereon where there has been no previous proceeding and the true debt does not exceed \$200.....	8 00
For the same services where the true debt exceeds \$200.....	10 00

Drawing and engrossing Cognovit, and attending execution where there have been previous proceedings .....	\$0 75
Instructions for Pleadings in Suit .....	1 00
Replication accepting money out of Court in full of demand.....	0 50
Every necessary Letter in the business of the cause.....	0 25

## COPIES.

Declaration, when not exceeding ten folios, each.....	0 75
Do. above ten folios, per folio (but not to exceed \$1.00)	0 10
Pleadings before enumerated.....	0 40
Issue (Pleadings) if ten folios or under.....	1 00
If above ten folios, for every folio .....	0 10
All proceedings, interrogatories, answers and other papers of which copies are to be delivered, per folio .....	0 10
Judgment for non-appearance on Specially endorsed Writs, or Writs of Revivor and in Ejectment to be taken as ten folios, including the Writ.	

## COPY AND SERVICE.

Of Special and Common Rules .....	0 50
Of Special Rules, above three folios, per folio additional .....	0 10
Of Summons or Order of a Judge .....	0 25
Of Order to charge a prisoner in execution .....	0 50

## NOTICES INCLUDING COPY.

To declare, reply and subsequent proceedings.....	0 25
By defendant, to bring issue to trial.....	0 25
Of Appearance, when appearance duly entered and notice given on the day of appearance, but not otherwise .....	0 25
Of Appearance to Writ of Revivor.....	0 25
To Plead .....	0 25
Of Declaration, when necessary .....	0 25
To Sheriff to discharge a prisoner out of custody.....	0 50
Notice in Ejectment to defend for part of premises .....	0 50
Notice of Claimant's or Defendant's title, same fees.	
Of Trial or Assessment.....	0 25
Demand of residence of Plaintiff and all other common notices, each .....	0 25
To admit or produce, if not exceeding two folios.....	0 25
For each folio above two.....	0 10

## ATTENDANCES.

Attendance at Judges' Chambers .....	0 50
Attorney attending Court when not himself Counsel or partner of Counsel.....	1 00
Attendance on Clerk in Special matters.....	0 50
Do. do. ascertaining amount due plaintiff by a British subject under order of a Judge.....	1 00
For every hour after the first.....	0 50

Taxation of costs on Postea.....	\$1 00
Do. on Judgment otherwise than on Postea.....	0 46
Attendance to file or to serve, to give or receive undertaking to appear when service of process accepted by Attorney, and all other necessary attendances, each .....	0 25

## BRIEFS.

For Drawing Brief not exceeding five folios.....	1 00
Do. for each folio in addition .....	0 10
Do. per folio of original and necessary matter ...	0 20
Copies of documents other than Pleadings when required, per folio .....	0 10

## TERM FEES AND OTHER FEES.

Term Fee after Declaration filed.....	0 50
Fee on every Record.....	0 50
Do. Rule of Court or Judge's order.....	0 50
Do. Attending by Counsel or Attorney to hear Judgment of Court when attendance is noted by Clerk at the time and is necessary .....	1 00

## AFFIDAVITS.

Drawing Affidavit per folio, special .....	0 20
Copies of Affidavits when necessary, per folio.....	0 10
Common Affidavits of service, when necessary, or of payment of mileage, including oath.....	0 70
Mileage on services as on writs of summons.....	

## DEFENDANTS.

Appearance.....	0 50
For each additional Defendant.....	0 20

## COUNSEL FEES.

Fee on motion of course, or on motion for Rule Nisi or on motion to make rule absolute in matters not special.....	1 00
On Special motion for Rule Nisi (only one Counsel fee to be taxed).....	3 00
To be increased to \$5 00 in the discretion of the Judge	
To attend Reference to Clerk when Counsel necessary in opinion of the Judge.....	3 00
On revising Pleadings or Interrogatoies, or settling or revising special cases when necessary in the discretion of the Judge who shall certify the amount to be taxed before taxation, not exceeding.....	2 00
Advising on evidence in contested cases in discretion of the Judge as above, a sum not exceeding.....	3 00

00	Fee on Argument on supporting or opposing Rules on return	
46	of Rule Nisi or argument of Demurrer or special case .....	\$5 00
	To be increased by Judge in his discretion to a sum not to	
	exceed \$10 00.	
25	Fee with Brief on Assessments .....	4 00
	Do. do. do. at Trial .....	\$6 to 10 00
	To be increased by order of a Judge in his discretion to a sum	
	not to exceed \$20 00.	
00	Fee to Counsel when Counsel attend on argument or examina-	
10	tion in Chambers when in opinion of Judge attendance of	
20	Counsel is necessary .....	1 00
	To be increased by order of Judge in his discretion to a sum not	
	exceeding \$4 00.	
10	Drawing Bond on Appeal or Bond for Security for Costs .....	3 00
	Drawing Bail Piece .....	1 00
	In all applications and proceedings before the County Judges	
	not relating to Suits instituted in any Court of Civil Judi-	
50	cature there shall be payable to the Attorney and Counsel	
50	the same fees as in the foregoing Table so far as the same are	
50	applicable.	

FEEES

To be taken and received by the Clerks of the several County Courts  
for their services.

20	Every Writ, Mesne and Final (except subpoena for which 25c.)	0 40
10	Every Concurrent, Alias, Pluries or Renewed Writ.....	0 40
	Every appearance entered, and filing Memorandum thereof ...	0 15
70	Every appearance, each Defendant after the first.....	0 10
	Filing every Affidavit, Writ, or other proceeding or paper .....	0 10
	Amending every Writ, or other proceeding or paper .....	0 25
	Every ordinary Rule.....	0 30
	Every special Rule, when prepared by the Clerk,.....	0 40
50	Every Judgment by Default .....	0 30
20	Every Final Judgment.....	0 50
	Taxing every Bill of Costs and giving Allocatur.....	0 80
	Every Reference, Inquiry, Examination, or other special mat-	
	ter referred to the Clerk, for every meeting not exceeding	
	one hour .....	0 75
	Do. do. for every additional hour or less.....	0 50
00	For every Report made by the Clerk upon such reference, &c.	1 00
	Upon Payment of Money into Court, for every sum under \$200	1 00
3 00	Do. \$200 and over.....	2 00
	Every Certificate required from Clerk, and given.....	0 50
	Exemplification, or Office Copy of Proceedings, per folio.....	0 10
3 00	Every Search, if within one year .....	0 10
	Every Search, if over one year and within two years .....	0 20
	Every Search, over two years, or a General Search in one cause	0 50
	Every Affidavit, Affirmation, or Oath administered by Clerk...	0 20
2 00	Entering Satisfaction on Record, and filing Satisfaction piece.	0 30
	Every Commission for the examination of Witnesses.....	0 50
3 00	Entering Exoneretur on Bail Piece.....	0 20

For making the Entry required in the Debt Attachment Book and in Cognovit Book, each.....	\$0 50
Every Record entered in the Sittings Docket including Records from the Superior Courts .....	0 50
Every Verdict taken, Non-suit, Jury discharged, or Record withdrawn.....	0 50
Every Rule or Order of Reference at the trial.....	0 50
Drawing Appointments made by Judge.....	0 25
For Judge's Summons or Fiat, except Fiats for costs, speedy execution, or increased Counsel Fee .....	0 25
Judge's Order.....	0 40
For attending at every Special Hearing before the Judge, under the 158th section of "The Common Law Procedure Act," and at taking Examination and Evidence, and at Sittings in reference to the County Judge from the Superior Courts, not exceeding one hour.....	0 50
Every additional hour or less .....	0 50
Every Enlargement on Application to Judge in Chambers, or on Return of Summons or otherwise, including search if marked by Clerk .....	0 15
Every Appointment for Taxation of Costs or otherwise, made by Clerk.....	0 10
For every Meeting upon Reference under 161st section of "The Common Law Procedure Act," not exceeding two hours.....	2 00
For each additional hour or less .....	1 00
(To be taxed by the Judge).	
For ascertaining the Amount due by Defendant to Plaintiff, when Judgment signed under Order of any Judge, against a British subject out of Jurisdiction in default of Plea.....	1 00
For every Jury sworn.....	0 30
In all Applications and Proceedings before the County Judges not relating to suits instituted in any Court of Civil Judicature, there shall be payable to the Clerks the same Fees as in the foregoing Table, so far as the same are applicable.	

## SHERIFF.

Every warrant to execute any process, mesne or final, directed to the Sheriff, when given to a Bailiff. ....	0 50
Arrest, when amount does not exceed \$200.....	2 00
Do. when amount is over \$200.....	4 00
Bail Bond or Bond to the limits.....	1 00
Assignment of the same.....	0 25
Service of Process, non-bailable, Scire Facias, or Writ of Revivor (including affidavit of service) each defendant.....	1 00
No fee for affidavit of service to be allowed in such cases, unless service made or recognized by the Sheriff.	
Serving Declarations, Subpoenas, Rules, Notices or other papers (besides mileage) .....	0 40
(for each additional party served 25c.)	
Receiving, Filing, Entering and Endorsing all Writs, Declarations, Rules, Notices or other papers, each .....	0 10
Return of all Process and Writs except Subpoena.....	0 25
Return of all Declarations, Rules, Notices or other papers.....	0 15



Every search not being by a party to a cause or his Attorney. \$0 30  
 Certificate of result of such search for each party when re-  
 quired ..... 0 75

A search for a Writ against lands of a party shall include sales under Writ against  
 same party and for the then last six months.

Notice of appointment for ballot of Jury..... 0 25  
 Notice to Clerk of Peace of such appointment ..... 0 25  
 Fee on balloting Special Jury..... 2 50  
 Fee on striking do. .... 1 25  
 Serving each Special Juror (besides mileage at 13 cents per  
 mile) ..... 0 25  
 Returning Panel of Special Jurors..... 0 50  
 Keeping and Checking Pay List of Special Jurors, attendance  
 in each case ..... 1 00  
 Every Jury sworn or Cause tried before a Judge..... 0 80  
 Poundage on Executions, and on Attachments in the nature of  
 Executions, upon the sum made in the \$ five per cent.,  
 exclusive of mileage for going to seize and sell, and except  
 all disbursements necessarily incurred in the care and re-  
 moval of property .....  
 Schedule of Goods taken in Execution, Attachment or other  
 Process, including copy to defendant, not to exceed five folios  
 Each folio above five ..... 0 50  
 Drawing Advertisements when required by Law to be published  
 in the *Official Gazette* or other newspaper, or to be posted  
 up in a Court House or other places, and transmitting same  
 in each suit ..... 0 75  
 Every necessary Notice of Sale of goods in each suit..... 0 40  
 Every Notice of Postponement of Sale in each suit..... 0 20  
 The sum actually disbursed for advertisements required by  
 Law to be inserted in the *Official Gazette* or other newspaper.  
 Executing Writ of Possession and serving and executing Writ  
 of Restitution, besides mileage ..... 2 00  
 Bringing up prisoner on Attachment, besides travel at 20 cents  
 per mile ..... 1 00  
 Actual and necessary milage from the Court House to the place  
 where service of any Process paper or proceeding is made  
 per mile ..... 0 13  
 Seizing Estate and Effects on Attachment against an abscond-  
 ing Debtor..... 1 50  
 Removing or Retaining Property, reasonable and necessary dis-  
 bursements and allowances to be made by order of the Court  
 or a Judge.....  
 Presiding or attendance on Execution of Writ of Enquiry, or  
 other Writ of a like nature per day ..... 4 00  
 Summoning each Juror in such case ..... 0 50  
 Bailiff's Fee, Summoning Jury, per mile..... 0 13  
 Hire of Room, if actually paid, not to exceed \$2 per day ....  
 Mileage from the Court House to the place where Writ execut-  
 ed, per mile ..... 0 13  
 Drawing Bond to secure Goods taken under an Attachment  
 against an absconding debtor, if prepared by Sheriff..... 1 50  
 Every Letter written (including Copy) required by Party or his  
 Attorney respecting Writs or Process, when postage pre-paid. 0 30

Drawing every Affidavit when necessary and prepared by the Sheriff .....	\$0 25
Precept on Warrant to Bailiff on Replevin.....	0 40
Drawing Notice for Service on Defendant on Replevin .....	0 40
Delivering Goods to the party obtaining the Replevin Writ.....	1 50
For Writ, &c., De Retorno Habendo.....	0 50
Drawing Replevin Bond.....	1 00
All necessary disbursements for the possession, care and removal of Property taken in Replevin.....	

## CORONERS.

The same Fees shall be taxed and allowed to Coroners for services rendered by them in the service, execution and return of process, as allowed to Sheriffs for the same services, and above specified.

## CRIER.

Calling every case, with or without Jury .....	0 50
Swearing each witness or constable .....	0 15

## ALLOWANCE TO WITNESSES.

To Witnesses residing within three miles of the Court House, per diem.....	1 00
To Witnesses residing over three miles from the Court House.	1 25
Barristers and Attorneys, Physicians and Surgeons, when called upon to give evidence, in consequence of any professional service rendered by them, or to give professional opinions, per diem.....	4 00
Engineers and Surveyors, when called upon to give evidence of any professional service rendered by them, or to give evidence depending upon their skill or judgment, per diem.....	4 00
If the Witnesses attend in one cause only, they will be entitled to the full allowance. If they attend in more than one case, they will be entitled to a proportionate part in each cause only.....	
The travelling expenses of Witnesses, over ten miles, shall be allowed, according to the sums reasonably and actually paid, but in no case shall exceed one shilling per mile, one way...	

## COMMISSIONER.

For taking every Affidavit.....	0 20
Taking every Recognizance of Bail .....	0 50

WM. B. RICHARDS, C. J.  
 JOHN H. HAGARTY, C. J. C. P.  
 JOS. C. MORRISON, J.  
 ADAM WILSON, J.  
 THOMAS GALT, J.  
 JAS. ROBT. GOWAN, Co. J.

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