

**BILLS OF COSTS, AS ALLOWED
ON TAXATION, IN THE COURTS
OF QUEEN'S BENCH, COMMON
PLEAS, AND EXCHEQUER.
MICHAELMAS TERM, 1840**

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Bills of Costs, as Allowed on Taxation, in the Courts of Queen's Bench, Common Pleas, and Exchequer. Michaelmas Term, 1840 by Anonymous

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BILLS OF COSTS,

As Allowed on Taxation ;

IN THE

COURTS OF QUEEN'S BENCH, COMMON PLEAS,
AND EXCHEQUER.

Michaelmas Term, 1840.

FOURTH EDITION, CORRECTED AND ENLARGED.

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THE alterations made in the practice of the Superior Courts of Law at Westminster, since the passing of the Act of Parliament for the more effectual administration of Justice in England and Wales, 11 Geo 4, & 1 Will. 4, c. 70, have necessarily caused very material variations in the costs allowed on taxation in those Courts. After the Rule of the Courts, T. 1 Will. 4, was pronounced for shortening Declarations, a principle of taxation was adopted in cases where that rule applied, that if the Debt amounted to £20 and upwards, and the Declaration was under 24 fo., the taxing officer was authorised to allow for Declaration, including Instructions, Copy, and Delivery, £1 18s.; and for close copy in country causes, according to length. For interlocutory Judgment, including Rule to plead, searching for and demanding Plea, drawing Judgment, Incipitur, entry on the roll Docket, and attending to sign Judgment and to Docket, £1 3s. 2d. For attending to tax, 6s. 8d. But the above was not to extend to cases in which several

actions were brought on the same bill or note, against several parties thereto.

And the taxing officer was authorised to allow at his discretion to a Plaintiff or Defendant, all such costs as should reasonably have been incurred after the commencement of the suit, notwithstanding the same might be such as had not theretofore been allowed between party and party ; but he was not authorised to allow more than one opinion on evidence by one Barrister or Pleader, and one consultation.

And for drawing all issues in fact or in law, in all the Courts *8d.* per folio.

And since the passing of the late Act of Parliament for the amendment of the laws and the better administration of justice, 3 & 4 Will. 4, c. 42, the Courts of Law at Westminster have adopted a new scale of costs in all actions of Assumpsit, Debt, or Covenant, commenced after the 15th March, 1834, where the sum recovered or paid into Court, and accepted by the Plaintiff in satisfaction of his demand, or agreed to be paid on the settlement of the action, shall not exceed £20.

Provided that, in case of a trial before a Judge of one of the Superior Courts or Judge of Assize, if the Judge shall certify on the *postea*, that the cause was proper to be tried before him, and not before a Sheriff or Judge of

an inferior Court, the costs shall be taxed upon the usual scale.

At the head of every bill of costs produced to the taxing officer for taxation, it must be stated whether the sum recovered, accepted, or agreed to be paid, exceeds the sum of £20, or not, in the following form :—

Debt above £20.

Debt £20 or under.

The allowance to witnesses for travelling is to be the sum actually paid, and that not exceeding 1s. per mile, except under special circumstances.

No fee to counsel is to be allowed on writs of trial, except trials before the Sheriff's Court of London, or of other Courts of Record where attorneys are not allowed to practise, and then one guinea only.

The Bills of Costs and Allowances contained in this edition, are selected and made out according to the new regulations lately adopted by the taxing officers of the various Courts.

By Rule Trin. 1 Will. 4, it is "Ordered, that before taxation of costs one day's notice shall be given to the opposite party;" and in the Exchequer it is compulsory to give the opposite party a copy of the bill and affidavit, and it is also usual to do so in the Queen's Bench and Common Pleas.

This rule was construed to extend to all cases whether the defendant had appeared or not, which in practice was found inconvenient : to remedy this, it is by R. H. 4 W. 4, s. 17, ordered, that "notice of taxing costs shall not be necessary in any case where the defendant has not appeared in person, or by his attorney or guardian, notwithstanding the general rule of T. 1 W. 4." But the Judges have since decided that the taking out a summons in the cause for particulars, or an order to stay proceedings, is such an appearance as will entitle the defendant to a notice of taxing.

HILARY TERM, 2 WILL. IV.—R. 2.

(Debt and Costs to be indorsed on Writ.)

ORDERED, that upon everyailable writ and warrant, and upon the copy of any process served for the payment of any debt, the amount of the debt shall be stated, and the amount of what the plaintiff's attorney claims for the costs of such writ or process, arrest, or copy and service, and attendance to receive debts and costs; and that upon payment thereof within four days to the plaintiff or his attorney, further proceedings will be stayed. But the defendant shall be at liberty, notwithstanding such payment, to have the costs taxed; and if more than one-sixth shall be disallowed, the plaintiff's attorney shall pay the costs of taxation.

The indorsement shall be written or printed in the following form :—

“ The plaintiff claims £ for debt, and £
for costs.

“ And if the amount thereof be paid to the plaintiff or his attorney within four days from the service hereof, further proceedings will be stayed.”

And by Rule Michaelmas, 3 W. 4, it was ordered,

that the above rule should be applicable to all Writs of Summons, Distringas, Capias, and Detainer, issued under the authority of the Uniformity of Process Act, and to the copy of every such writ.

The following Bills of Costs, as allowed on taxation in all the Courts, will be a guidance to the practitioner in indorsing the writ, in compliance with these rules: charges made beyond that allowance will subject the attorney to the costs of taxation of his bill, and thereby deprive him of the fair profit which he would obtain by the proceeding.

The aggregate amount of Costs may be indorsed on the writ and copy without specifying the items.

WRIT OF SUMMONS—TOWN PROCESS.

*Serviceable Writ.
Debt not exceeding 20l.*

	£	s.	d.
Letter for Payment of Debt (if written)	0	2	0
Instructions to sue	0	3	4
Writ of Summons	0	12	6
Copy and Service	0	5	0
Bill of Costs	0	2	0
Attending Settling	0	3	4
Letters	0	2	0

If the service be distant from London, and no Attorney reside near the defendant, charge more for service 1s. per mile, according to the distance.