

**COSTS. COSTS IN ACTIONS NOT ABOVE
£20 IN CONTRACT, AND NOT ABOVE £5 IN
TORT IN THE SUPERIOR COURTS; OR, HOW
AND WHEN TO OBTAIN A CERTIFICATE,
RULE, ORDER, OR SUGGESTION FOR
COSTS. WITH FORMS OF AFFIDAVITS, &C**

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Costs. Costs in Actions Not above £20 in Contract, and Not above £5 in Tort in the Superior Courts; Or, How and When to Obtain a Certificate, Rule, Order, or Suggestion for Costs. With Forms of Affidavits, &C by John Evans

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JOHN EVANS

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BY

JOHN EVANS,

ATTORNEY-AT-LAW.



"Keep back costs as much as possible, till the last stage of procedure; keep off from both parties everything of expense that is not absolutely unavoidable where litigation is on both sides without blame: at that last stage if there be found blame, throw whatever expense of which you allow the necessity to subsist beyond what is absolutely unavoidable, throw it on that side and on that side only where there has been blame."—BENTHAM.

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PREFACE.

THE main object of this short treatise is to place before the profession, in a concise, practical, and convenient manner, the mode of obtaining costs, where verdicts in the superior courts do not exceed 20*l.* in contract, or 5*l.* in tort. A client goes to an attorney with a list containing the names of twenty debtors, all the debts being for sums not exceeding 20*l.* In some of these cases the plaintiff may sue in the superior court; in other cases, if he does so, he cannot recover any costs. It may also happen that a plaintiff suing in a superior court gets a verdict not exceeding 5*l.* in tort. Yet such a verdict may or may not entitle the plaintiff to recover costs. Hence it is most important for the sake of attorney and client that the former should have the law and practice on this subject at his fingers' ends; and any treatise purposing to assist this object must be praiseworthy in its aim, if not in its execution. The author is aware that a new edition of "Dax on Costs" was published in 1856,

and that in the same year Mr. Scott favoured the legal profession with a treatise on the same subject; but the design of both those useful works seems to be to furnish tables of court fees, scales of allowances, and model bills of costs, in order to assist the practitioner in passing through the ordeal of the Taxing Master's Office. The well-known book written by Mr. Gray enters elaborately into the law of costs as laid down in the statutes, and the decisions of the courts, and there is much light thrown on the principles that govern the costs of every legal proceeding, from a simple action to a criminal information. Out of the sixty-five chapters of which the book consists, about four relate to the subject of the present treatise; though from the particular point of view taken in the present work there has followed a different method of treatment, part of the subject being less elaborately, and part more fully detailed. Collected in a convenient form for reference, there is here presented to the profession an ample account of the grounds of making an application for costs at Judges' Chambers; for as counsel need not then be employed, a solicitor may reasonably need a short, plain, and practical guide in the matter: while on the other hand, a summary and less prominent account is given of the circumstances under which a judge grants a certificate for costs at the trial; for as counsel are then employed, details are superfluous to the attorney, and counsel may obtain information from more

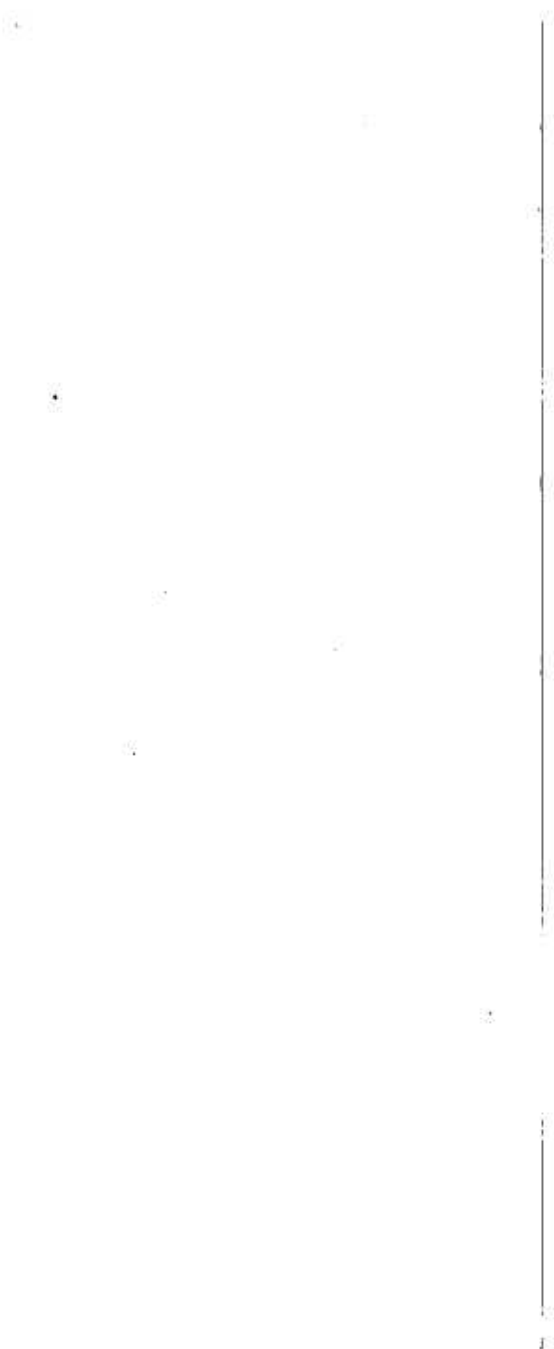
erudite sources. Theory may object to the arrangement of the chapters, because they first treat on the right to a rule or order for costs after the trial, and leave in the background an explanation of the certificates to be obtained by counsel at the trial; and also because they examine the grounds of concurrent jurisdiction, before considering the grounds of exclusive jurisdiction; but practice preemptorily decides that what is most used and most wanted shall have the foremost place.

The groundwork of the present treatise has been supplied to me by an eminent barrister, whose assistance I am most willing to acknowledge. My own experience in an extensive practice has taught me that a work like the present was much needed, not only by attorneys in the metropolis, but in the country, and I trust that they at length possess a clear and concise account of the law and practice upon a subject which the various Acts of Parliament relating to the County Courts have rendered somewhat complex. Time and labour will not have been thrown away if this treatise prove acceptable to the legal profession.

JOHN EVANS,

ATTORNEY-AT-LAW.

10, JOHN STREET,
BEDFORD ROW, LONDON,
February, 1859.



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