

GOVERNMENT NOTIFICATION.—No. 539.

The following Rules for the taxing of Costs in the Summary Jurisdiction of the Supreme Court are published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 5th October, 1899.

RULES

Made by the Chief Justice, under section 24 of the Supreme Court Ordinance, 1873, (No. 12 of 1873) for the taxing of Costs in the Summary Jurisdiction of the Supreme Court.

1. In the following Rules the expressions "exceeding" and "not exceeding" refer in the case of a Plaintiff to the amount recovered and in the case of a Defendant to the amount claimed.
2. In actions or proceedings other than those for the recovery of money and in actions where claims for the recovery of money are joined with other claims, the Judge, having regard to the value and nature of the subject matter of the action or proceeding, shall direct under which of the scales hereinafter set forth the costs (if any) shall be taxed.
3. Notwithstanding anything in these Rules to the contrary, the Judge, if of opinion that the action involved a novel or difficult point of law, or that the question litigated was of importance to some class or body of persons, or of general or public interest, may award costs under Scale III to the Plaintiff on any amount recovered however small, or to the Defendant who successfully defends an action brought for any amount however small; and in actions other than those for the recovery of a debt or liquidated demand in money the Judge, if he shall think that the preparation or conduct of the case has involved unusual trouble or difficulty, or for other good cause shown, may, in awarding costs, direct that they shall be taxed on any scale higher than that hereinafter made applicable.
4. Subject as aforesaid no costs shall be allowed in actions not exceeding ten dollars, and in other actions costs shall be taxed and allowed in accordance with the following scales as well between solicitor and client as between party and party: Provided that where a client shall have paid or agreed to pay a sum of money for the conduct of any suit or proceeding, or has agreed to pay costs and charges beyond those provided for in these Rules, the taxing officer may, as between solicitor and client, allow any costs or charges not exceeding the amount which may have been paid or agreed to be paid.
5. Occasional costs shall only be allowed where from the nature of the case it was reasonable and necessary that they should be incurred.
6. In awarding the costs of any action or proceeding the Judge may at the hearing, for good cause shown, disallow the costs of any particular matter in connection with such action or proceeding.
7. These Rules shall come into force on the 9th day of October, 1899, and shall apply only to actions and other proceedings brought and commenced on or after the said date.

SCALE I.

Actions exceeding \$10, but not exceeding \$50.

Instructions for and preparing Summons attending and entering,	\$ 2.00
Each copy for service,	0.50
Instructions to defend,	1.00
Attending in Court and conducting case,	5.00 to \$15.00
Costs of the day on adjournment of hearing (if certified by Judge),	2.50
Attending to hear Judgment,	2.00
Taxing (including all costs connected therewith),	3.00

SCALE II.

Actions exceeding \$50, but not exceeding \$200.

Letter before action,	\$ 1.50
Instructions for and preparing Summons attending and entering,	4.00
Each copy for service,	0.50
Instructions to defend,	2.00
Attending in Court if Counsel instructed, per day,	5.00 to \$15.00
Drawing brief for Counsel per folio (if Counsel certified for by Judge),	0.50
Attending in Court if Counsel not instructed, per day (of 5 hours),	15.00 to \$25.00
Counsel (if certified for by Judge),	50.00
Refresher after every 5 hours of hearing,	15.00 to \$25.00
Costs of the day on adjournment of hearing (if certified for by Judge),	5.00
Attending to hear Judgment,	3.00
Taxing (including all costs connected therewith),	5.00

SCALE III.

Actions exceeding \$260.

Letter before action,.....	\$ 2.00
Instructions to sue or defend,	4.00
Preparing Writ of Summons and attending issuing,	6.00
Drawing brief for Counsel per folio,	0.50
Attending Counsel therewith,.....	2.00
Fee to Counsel (if certified by Judge),	25.00 to \$75.00
Conference fee to Counsel,	10.00 to \$20.00
Attending Court on trial with Counsel per day (5 hours),	25.00
Attending Court and conducting case where no Counsel employed per day (5 hours),	20.00 to \$40.00
Attending to hear Judgment—	
Solicitor,	4.00
Counsel,.....	10.00
Taxing Costs (including all costs connected therewith),.....	6.00
or where the bill exceeds 8 folios 50 cents per folio extra.	

Occasional Costs applicable to all the above scales.

Application for substituted service or service out of Jurisdiction,	\$ 2.50
Affidavit of service,	2.50
Attending to file same,.....	1.50
Notice of special defence,.....	4.00
Attending taking minutes of evidence of each witness,.....	3.00
If more than 6 folios every additional folio,	0.50
Conference with Counsel,.....	5.00
Serving any notice or other document,	2.00
Notice to produce, notice to admit, notice of application for a new trial or to set aside proceedings including copies service and attending the Registrar therewith,	4.00
Receiving any of the above notices and advising thereon,.....	2.00 to \$ 4.00
All attendances in Court on applications or motions or on summons in Chambers, or per hour,	4.00
All necessary affidavits not exceeding 5 folios including filing,.....	2.50
For every additional folio,	0.50
Any necessary attendances at the Registry or upon the opposite party or on client,	2.00
All necessary letters,	2.00
Pleadings signed by party,	10.00
or per folio,	0.50
Counsel's fee for any pleading,	15.00
Perusal of document per folio,.....	0.25
Certified translations including obtaining certificate per folio,	0.50
Drawing accounts and other documents not included in the foregoing costs but allowed upon taxation of costs to be necessary, per folio,	0.40
Engrossing or copying per folio,.....	0.20
Judge's Summons or <i>ex parte</i> application,	2.00
or per folio,.....	0.50

Any other matter or proceeding.

Half the costs allowed for Solicitor's charges in respect of a similar matter or proceeding in Original Jurisdiction.
Expert witnesses—Half the Allowance in Original Jurisdiction.

W. MEIGH GOODMAN,
Acting Chief Justice.

Supreme Court House, Victoria, Hongkong, 13th September, 1899.

Revised and approved by the Legislative Council, this 4th day of October, 1899.

COUNCIL CHAMBER,
HONGKONG.

R. F. JOHNSTON,
Acting Clerk of Councils.