

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1835. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1835.

5 William IV – Chapter 29 (Session 1)

An Act to regulate the Fees in Actions not summary in the Inferior Courts of Common Pleas, and to restrain the removal of such Actions to the Supreme Court. Passed 17th March 1835.

Whereas the Fees in Actions not summary in the Inferior Courts of Common Plea in this Province and in the Mayor's Court of the City of Saint John, require to be defined and established by Law: And Whereas the removal of causes from the said Courts to the Supreme Court after Issue joined or Interlocutory Judgment signed, has been found productive of great inconvenience and delay to Sailors;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Fees in all Actions hereafter instituted in the respective Inferior Courts of Common Pleas in this Province, or in the Mayor's Court of the City of Saint John, not coming within the summary jurisdiction of the said Courts, shall be taxed and regulated by the following Table of Fees, so far as relates to the Judges, Clerks, Attornies and Counsel, instead of by the Ordinance of the Governor and Council as heretofore accustomed.

TABLE OF FEES

To be allowed and taxed in Actions not summary in the Inferior Courts of Common Pleas:

FOR THE JUDGES.

On the entry of every cause not settled at the return of the Writ, Five Shillings.

On the entry of every cause for Trial, Three Shillings and Four-pence.

On every Judgment, Three Shillings and Fourpence.

Taking special Bail and entering the same in Bail Book, Three Shillings.

Every Summons granted or order made out of Court, Two Shillings and Sixpence.

Taking a deposition *de bene esse*, Five Shillings.

Justification or disallowance of Bail, Two Shillings.

Appointment of a Guardian or prochein ami, Two Shillings and Sixpence.

Taxing a Bill of Costs, Two Shillings.

Render of a Defendant in discharge of Bail (including the commitment or order for taking into custody), Two Shillings and Sixpence.

Every Affidavit for each Deponent, One Shilling.

The same fee to any person authorised to take Affidavits to be read in Court.

CLERK.

Signing and sealing every Writ or Process, (including the filing of the docket or precipe therefor,)

Subpoena excepted, One Shilling.

Entry of every cause, One Shilling.

Entry of every Rule, One Shilling.

Entry of appearance or filing common Bail, One Shilling.

Filing every process, pleading or other paper, and marking the same as filed, Sixpence.

Copy of every common Rule, One Shilling.

Entering Interlocutory Judgment, One Shilling.

Entering admission of Guardian or prochein ami. One Shilling.

Every Rule or Order entered in the minutes. One Shilling.

If more than one Folio, for every additional Folio, One Shilling.

Copy or transcript from the minute or records, per Folio, One Shilling.

A Folio in all case to include one hundred words.

Every search made in the files or minutes, One Shilling.

Signing and sealing every Subpoena, and filing Precipe, if any, Sixpence.

Entering a causa for trial, One Shilling.

Calling and swearing Jury, and taking and entering verdict or non-suit or entry of discharge of Jury, Two Shillings.

Swearing every Witness or Constable and reading every paper in evidence, Sixpence.

Taxing costs where a trial had been had, Two Shillings.

Taxing coats in any other case, One Shilling.

Making return to every Writ of Error, Habeas Corpus or Certiorari served on him (exclusive of copy or transcript), Two Shillings.

Every Certificate under the seal of the Court (including the seal), Two Shillings.

On all monies paid into Court to one hundred pounds, per pound, Sixpence.

All above one hundred pounds, per pound, Threepence.

When such money is paid in by a Defendant on a plea of tender or order obtained by him for paying money into Court, the poundage shall be paid to the Clerk in addition to the money paid in and may be included in the Defendant's taxable costs.

ATTORNEY.

Taking instructions to commence action, Six Shillings and Eight pence.

Writing letter to Defendant requiring settlement before action brought, Five Shillings.

Preparing every process in a cause excepting Subpoena or Writ of Inquiry, Three Shillings.

The Precipe or Docket thereof, Sixpence.

Copy of the Writ and notice (when requisite), One Shilling and Sixpence.

Drawing every Declaration and copy to file, not exceeding ten Folio, Five Shillings.

For every additional Folio above ten (when necessary), One Shilling.

Every copy of Declaration for adverse party or when otherwise requisite, per Folio, Sixpence.

Taking instructions to defend action or to enter special Bail, Six Shillings and Eightpence.

Special Bail piece, One Shilling and Fourpence.

Common Bail or appearance, One Shilling.

Drawing general Issue, One Shilling.

Each copy thereof, Sixpence.

Drawing every special Plea, per Folio, One Shilling.

Each copy thereof, per Folio, Sixpence.

Preparing a Writ of Inquiry of Damages, Four Shillings, (or at the rate of One Shilling per Folio.)

Making up Judgment Roll, per Folio, Ninepence.

Attending assessment of Damages before Court, Three Shillings and Fourpence.

Attending assessment of Damage before Jury of Inquiry, Six Shillings and Eightpence.

Every Subpoena, Two Shillings.

Every copy thereof or ticket, Sixpence.

Service on every Witness, One Shilling.

Attending the examination of a Witness *de bene esse*, Six Shillings and Eightpence.

Every notice, not exceeding one Folio, One Shilling.

For every additional Folio, One Shilling.

Every necessary copy thereof, per Folio, Sixpence.

Serving every notice or other paper, One Shilling.

Every Summons or order of a Judge (including attendance), Three Shillings and Fourpence.

Attending a Judge on Summons in controverted cases, Six Shillings and Eightpence.

Every necessary attendance before a Judge or the Clerk (not otherwise provided for), One Shilling.

Preparing brief for trial or argument, Six Shillings and Eight-pence.

On entry of a cause for trial, Five Shillings.

Preparing every writ of *Scire Facias*, per Folio, One Shilling.

Preparing bill of costs where a trial has been had, Three Shillings.

In any other case, One Shilling and Sixpence.

Half of the above Fees for a copy of bill of costs for client or adverse party when requisite, and no charge for a bill of costs to be allowed in any case before the entry of the cause on the return of the writ.

Preparing every affidavit or other paper not otherwise provided for, for the original per Folio, One Shilling.

Every additional copy, per Folio, Sixpence.

Every motion actually made in open Court and entered on the minutes, Three Shillings and Fourpence.

COUNSEL FEES.

Perusing and signing Demurrers, special Pleas, Replications, Rejoinders, &c. to which the signature of Counsel is necessary, Eleven Shillings and Eightpence.

This fee to be allowed only for one signature when more than one special pleading in a cause are prepared and delivered at the same time.

On every causa entered for trial and for every argument before the Court, not less than One Guinea nor more than Three Guineas, at the discretion of the presiding Judge.

No other fees then these hereinbefore provided for are to be taxed in behalf of the persons in this Table named, in actions not summary in the Inferior Court of Common Pleas.

II. And be it enacted, That from and after the passing of this Act, no action not summary brought in any of the Inferior Courts of Common Pleas in this Province or in the Mayor's Court of the City of Saint John shall, prior to final Judgment, be removed to the Supreme Court by Habeas Corpus or *Certioram alter* Issue joined or Interlocutory Judgment signed, any law, usage or custom to the contrary in any wise notwithstanding.