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AN

ORDINANCE

ESTABLISHING

F E E S

TO BE TAKEN IN THE

PROVINCE

OF

NEW-BRUNSWICK.

FREDERICTON:

JOHN SIMPSON,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1834.

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AN
ORDINANCE
ESTABLISHING FEES TO BE TAKEN
IN THE
PROVINCE OF NEW-BRUNSWICK.

By His Excellency THOMAS CARLETON, Esquire, Captain-General, Governor and Commander in Chief in and over the Province of New-Brunswick, Chancellor and Vice-Admiral of of the same, &c. &c.

*In Council, this second day of March, in the year of our Lord
One thousand seven hundred and eighty-five.*

THERE being no Law or Ordinance now in force for the Regulation of the Fees to be taken by the respective Officers in the Province of New-Brunswick, and it being necessary that a reasonable provision be made, and a Table of Fees ordained in due proportion to their services, in order that every one may know what is of right in each case to be demanded : In pursuance thereof His Excellency the Governor, by and with the advice and assistance of His Majesty's Council for said Province, hath thought fit to ordain and declare, and His said Excellency, by and with the advice and assistance aforesaid, doth hereby ordain and declare, that from and after the first day of April next ensuing no Officer or other person or persons whatsoever, for any service or services by him or them to be done or performed in their respec-

tive offices, or for or in respect of his or their said office or offices, for any fee, perquisite, or other benefit or reward, shall exact, demand or ask, any greater or other fee or fees, sum or sums of money for the discharge of his or their several and respective duty or duties in their respective offices, other than what herein after is allowed and established for the same, viz:—

FEES TO BE TAKEN BY JUSTICES OF THE PEACE.

For every Affidavit, Warrant or Recognizance, 1s.
 Every Examination in Assault and Battery, 2s. 6d.
 Taking an acknowledgment of a Deed, 3s.
 Precept to the Sheriff to Summon a Jury on the Statutes of Forcible Entry and Detainer, 2s. 6d.
 Attendance at the premises on an Inquisition or for recording a Forceable Detainer, per diem, 10s.
 Drawing the Inquisition, 7s. 6d.
 Drawing the Record on view, 7s. 6d.
 A Mittimus against persons holding with force, 5s.

FEES IN THE INFERIOR COURT OF COMMON PLEAS.

JUDGE'S FEES.

For taking every Affidavit, 1s.
 Every Writ or Summons issued, 2s. 6d.
 First motion in each cause, from £2 to £10, 4s.
 Do. in each cause for £10 and upwards, 10s.
 Trial, 3s. 4d.
 Each Judgment, 3s. 4d.
 Taxing Costs, 2s.
 Every Recognizance of Bail, 1s.
 Justifying Bail out of Court, 1s.
 Acknowledging a Deed, 3s.
 For making a return of a Writ of Error, 5s.
 Examining a Witness out of Court, (to be paid by the party requiring it,) 3s. 4d.
 Admittance of a Guardian or Prochein Amie, 2s. 6d.

CLERK'S FEES.

For a Bond to Prosecute. if drawn by him, 1s.
 Sealing every Writ or Summons, 1s.
 Entering an Appearance, 1s.
 Entry of every Cause, Declaration or Plea, 3s.
 Filing every Affidavit, Writ, Declaration, &c. 6d.

- Minuting a Motion, 1s.
 Monies tendered in Court, per pound, 6d.
 Taking Special Bail in Court, each person, 1s.
 Entering Interlocutory Judgment, 1s.
 Entering admission of Guardian in Court, 1s.
 Every Default, Continuance, Discontinuance, Non Pros.
 Relicta Verificatione or Retraxit, 1s.
 Copy of all Common Rules, 1s.
 Receiving and entering Verdict, 1s. 6d.
 Swearing a Witness, or reading a paper in Evidence, 6d.
 Entering Return of Writ of Enquiry, 1s. 6d.
 Making up Final Judgment after Trial or Inquiry, 3s. 4d.
 Final Judgment without a Jury, 2s.
 Every Commitment by the Court, 1s.
 Taxing Costs or entering satisfaction on Record, 1s.
 Warrant to levy a Fine to be levied with the fine, 1s.
 Searching the Records, 1s.
 Entering the allowance of Writ of Error, Certiorari or
 Habeas Corpus, 1s.
 For Copies of all papers, every hundred words, 1s.
 Certifying a Judgment under Seal, 2s. 6d.
 But if above 200 words, then the same as for copying,
 and the Seal, 1s.
 Drawing a Recognizance, each person, 1s.
 Entering Bond of Arbitration, Award and Judgment,
 and examining Costs, 3s. 6d.
 And for any other proceeding drawn by him at the Suit-
 or's request, the same allowance as an Attorney of
 the Court.

ATTORNIES' FEES.

- Retaining Fee, 6s.
 Bond to Prosecute, if necessary, 2s.
 Drawing Præcipe and Writ ad respondendum, 2s. 6d.
 Copy of the Writ and Notice, where no Bail is requir-
 ed, 2s.
 Motions for rule to plead, Interlocutory or Final Judg-
 ment, each, 1s.
 Drawing every Affidavit, 1s.
 A short Declaration, 2s.
 Copy and Filing 1s. 6d.
 Every long Declaration, a Copy thereof, per 100 words, 6d.
 Entering an Appearance or Common Bail, 1s.

- A General Issue or Plea, 1s.
 Special Plea, (if long, 6d. for every 100 words,) 2s.
 Drawing and serving all necessary Notices, 1s.
 Do. Writ of Inquiry, 3s.
 Do. Venire, 1s. 4d.
 Subpœna, 1s. 4d.
 Each Ticket, 6d.
 Do. a Scire Facias or Venditioni Exponas, 2s.
 Attending the Execution of a Writ of Inquiry, 3s. 4d.
 Do. the Court on Trial and arguing the Cause, 5s.
 Do. do. on Final Judgment by Default, 2s. 6d.
 Drawing all Affidavits to be read on Trial, if long, every
 hundred words, (to be paid by the party requiring
 them,) 1s.
 Copy for the opposite party, for each hundred words, 6d.
 Notice to Defendant, 1s.

**FEEES TO BE TAKEN IN THE COURT FOR TRIAL OF
CAUSES UNDER FORTY SHILLINGS.**

CLERK'S FEES.

- Summons, 4d.
 Entering the Cause, 4d.
 Every order and entry thereof, 1s.
 Entry of hearing or appearance, 1s. 6d.
 Every Non-suit, 4d.
 Acknowledging Satisfaction, 6d.
 On payment in Court, 6d.
 For every Execution, 6d.

MARSHAL'S FEES.

- For Summoning, 4d.
 Every Hearing, 3d.
 Execution on Goods, 2s.
 Do. on Person, 3s.
 To the Jury for every Trial, 2s. 6d.
 To the Justices and Clerk every do. 2s. 6d.

FEEES IN THE SUPREME COURT.

JUDGE'S FEES.

- For the first motion in every Action not criminal, 10s.
 Allowing a Writ of Error, and marking the Roll, 6s. 8d.
 Every Supercedeas, Writ of Privilege, Habeas Corpus,
 Procedendo, Certiorari or Prohibition, 2s. 6d.

Taking Bail, 2s. 6d.

Filing, 1s.

Searching, 1s.

Justification or Disallowance of Bail, 2s.

Confession of Judgment or acknowledgment of satisfaction out of Court, 2s. 6d.

Acknowledging a Deed, 3s.

Admission of an Infant by Guardian or Prochein Amie to sue and defend, 2s. 6d.

Affidavit or Recognizance out of Court, 1s.

Signing Judgment Roll, 2s.

Attendance at his Chambers on argument or examination of a Witness, 3s. 4d.

Every Trial on the Circuit unless Criminal, 6s. 8d.

Admittance of an Attorney, 20s.

Do. of a Barrister, 20s.

ATTORNEY'S FEES.

Retaining Fee, 15s.

Warrant of Attorney, 1s. 6d.

First Process in a cause, and engrossing, 3s. 4d.

Copy thereof and notice where no Bail is required, 2s.

Drawing Processes, Returns, Admissions, Bonds to prosecute, Affidavits, Pleas, Adjournments, Suggestions, &c. each 100 words, 1s.

Engrossing on Parchment, every 100 words, 8d.

Copies on Paper, every 100 words, 6d.

Copy of first Process and Notice for common Bail, 2s.

Every Bail-piece engrossed, 3s. 4d.

Every Special Motion or Argument, 3s. 4d.

Term Fee, (no more than three allowed,) 3s. 4d.

Argument on Demurrer or Special Verdict, or in Error, at the Judges discretion.

Brief, 6s. 8d.

Attending Jury of Inquiry, 6s. 8d.

Drawing up the Judgment, 3s. 4d.

Entering Judgment on the Roll, 2s.

Every continuance on the Roll, 1s.

Every Notice, Copy and Service, 2s.

Drawing Affidavits to be read on Trial, every 100 words, (to be paid by the party requiring the same,) 1s.

Copies for the opposite party, every 100 words, 6d.

Attendance on balloting or striking a Jury, 3s. 4d.

- Taxing Client's Bill, or attending a Judge on ordinary services, 1s.
 Serving Notice of Trial on the Judge, 1s.
 Service of Copy of Declaration and Rule to Plead, 1s.
 Copy of Bill of Costs delivered to the opposite party, 2s. 6d.
 Declaration in Ejectment and Notice, 10s.
 Drawing a Noli Prosequi, 2s. 6d.
 Entering on the Roll, 1s.
 Trial Fee on the Circuit or at Bar, 10s.
 Travelling charges per day, 10s.

CLERK'S FEES.

- Sealing and entering a Writ and filing the Præcipe, 1s. 6d.
 Entering an Appearance or Motion, Interlocutory Judgment, Admission by Guardian, every Default, Continuance, Discontinuance, Non Pros, Relicta Verificatione, Retraxit, Satisfaction on Record, each, 1s.
 Filing every Affidavit, Writ, Declaration or other paper, 6d.
 For monies tendered in Court, per pound, 6d.
 Taking Special Bail in Court, each person, 1s.
 Copy of all Common Rules, 1s. =
 Entering Verdict, and calling and swearing Jury and Constable, 1s. 6d.
 Swearing a Witness, or reading a paper in Evidence, 6d.
 Entering Return of Writ of Inquiry, 1s. 6d.
 Entering a Judgment on the back of the Declaration, or in the Minutes, 1s.
 Every Commitment by the Court, 1s.
 Warrant to levy a Fine, (to be levied with the fine,) 1s.
 Searching the Records, 1s.
 Entering the allowance of Writ of Error, Certiorari or Habeas Corpus, 1s.
 Copies of all papers, other than common Rules, every hundred words, 1s. —
 Certifying a Judgment under Seal, 3s. 6d.
 If above two hundred words, the same as for Copying, and the Seal, 1s.
 Drawing a Recognizance, each person, 1s.
 Entering Bond of Arbitration and Award, Judgment, and examining Costs, 3s. 6d.
 Filing the Roll, 3s.

CLERK OF THE CIRCUIT'S FEES.

- Entering on the Judge's Book every cause to be Tried, 2s.
 Filing the Nisi Prius Record, 2s. 6d.
 Reading and Filing every Affidavit, 1s.
 Entering Confession of Lease, Entry and Ouster, 1s. 6d.
 Returning each Postea, 3s. 4d.
 Entering each Default, 1s. 6d.
 Swearing and Impanelling a Jury, 1s. 6d.
 Swearing a Witness, or reading a paper in Evidence, 6d.
 Taking a Verdict, 1s. 6d.
 Travelling charges per day, 10s.

COUNSEL'S FEES.

- Perusing and amending special pleadings and entries, or assisting on Demurrer or other special proceedings, 6s. 8d.
 Trial Fee, 15s.
 Travelling charges the same as Attornies, and no more than one Counsel to be allowed in taxing Costs.

FEES OF THE CLERK OF THE PEACE IN THE SESSIONS,
AND OF THE CLERK OF THE CROWN IN THE
SUPREME COURT OR ON THE CIRCUITS.

- Every Indictment or Submission, 2s. 6d.
 Trial and Judgment, 5s.
 Petition and the proceedings thereon, 2s. 6d.
 Presentment proceeded on, 3s. 4d.
 A Licence to Compound, 1s. 6d.
 Certificate of Administering the State Oaths, 1s.
 Warrant from the Court, 1s.
 Recognizance, each person, 1s.
 Respiting or discharging a Recognizance, 1s.
 Subpœna for four persons or under, 2s.
 Every Witness more, 6d.
 Swearing a Witness, or reading Indictment, Information, or Record, 6d.
 Appearance upon Indictment or Information, 1s.
 Relinquishing a Plea, 1s.
 Every Order or Rule of Court, 1s.
 Copy thereof, 6d.
 Recording a Noli Prosequi, 5s.

SHERIFF'S FEES IN ALL COURTS.

- Serving every Writ or Process, 2s. 6d.
 Return of every Writ, 9d.
 Travelling, per mile, from the Court-House, 3d.
 Execution and Return thereon, beside mileage, 5s.
 Levying, Receiving, and paying all monies on Execution—To £40, one shilling per pound; From £40 to £100, six-pence per pound; All above £100, four-pence per pound.
 Drawing a Bail Bond, 2s. 6d.
 Every Cause tried on the General Venire, 2s. 6d.
 Summoning a Jury of view, and attendance per day, 10s.
 Serving Writ of Possession, 10s.
 Every person committed, or Return of every Writ, 2s.
 Bringing up a Prisoner by Habeas Corpus, or mileage, 6s. 8d.
 Attending a Prisoner before a Judge, and receiving him in Custody, 3s. 4d.
 For Discharge of every person committed by the Chancellor, 7s. 6d.
 Summoning a Jury, on the Statute, for Forceable Entry and Detainer, or on an Extent, 10s.
 Attending the taking an Inquisition, 10s.
 Writ of Rebellion or Attachment with Proclamation, 10s.
 Serving and Executing Writ of Restitution, 10s.
 For Ne Exeat or Scire Facias, 4s.

CRYER'S FEES IN ALL COURTS.

- Calling a Jury, or for every Verdict or Nonsuit, 1s.
 For ringing the Bell, each action, or calling Defendant on Recognizance, 1s.
 On Swearing each Witness, 3d.
 Discharging a person by Proclamation, 1s.

CONSTABLE'S FEES IN ALL COURTS.

- Attending the Jury, each cause, 1s.
 Serving a Warrant, 1s.
 Summoning the Jury on Inquest, 2s.
 Attendance thereon, 2s.
 Travelling per mile, 3d.

WITNESSES FEES IN ALL COURTS.

- Attendance per day, 1s. 6d.

Travelling, if from a foreign County, per mile, 3d.

JUROR'S FEES IN ALL COURTS.

In each Civil Cause, 1s.

Attending a View per day, 4s.

Trial from a foreign County, per day, 4s.

CORONER'S FEES.

When acting as Sheriff, the like Fees.

Taking an Inquest, to be paid out of the deceased's Estate, besides Constable and Jurors' Fees, £1 5s.

SURROGATE'S FEES.

For Probate and Registering a Will, the Estate under three hundred pounds, 16s. 8d.

If above three hundred pounds, to one thousand pounds, £1.

All above one thousand pounds, £2.

Administration Will annexed, under three hundred pounds, 10s.

On Estate of one thousand pounds, and all above, £1.

Letters of Guardianship, 10s.

Citation and Service, 3s. 4d.

Letters ad Colligendum, 10s.

REGISTER'S FEES.

For Probate and Registering a Will, the Estate under three hundred pounds, 10s.

If above three hundred pounds, to one thousand pounds, 13s. 4d.

All above one thousand pounds, £1 6s. 8d.

Administration to three hundred pounds, 6s. 8d.

Drawing Bond, 3s. 4d.

Attending Execution thereof, 3s. 4d.

Administration for one thousand pounds, and above, 13s. 4d.

Bond and Execution, 6s. 8d.

Letters of Guardianship, 6s. 8d.

Bond and Execution, 6s. 8d.

Letters ad Colligendum, 6s. 8d.

Citation and Service, 6s. 8d.

Filing Inventory, Accounts, &c. 3s. 4d.

All Searches, 1s.

Copy of Will and Probate, 6s. 8d.

Collating, 5s.

- Copying Inventory, Accounts, &c. 1s. each page of
eighteen lines, with six words each.
Certificate under Seal, 6s. 8d.
Copy of Citation, 3s.

FEEES TO BE TAKEN AT THE CUSTOM HOUSE,
SAINT JOHN.

- Topsail Vessels from Europe, West Indies, &c. on En-
try or Clearance, £1 11s. 6d.
Other Vessels on Entry or Clearance, £1 1s.
Vessels from the Peninsula of Nova Scotia, Cape Breton,
or Saint John's Island, Entry or Clearance, 13s. 3d.
Coasters within the Province, Entry or Clearance, 5s. 7½d.
A Sufferance Bond or Report, 2s. 9d.
A Cocket or Certificate of landing Goods, or to Can-
cel a Bond, 4s. 6d.
A List of Men, or Bill of Stores, 2s. 9d.
A Register and Recording, 19s. 4d.
Endorsing a Register, 3s. 7½d.
A Bill of Health, 11s. 8d.
Cancelling a Bond, 1s. 8d.
An Affidavit, 1s.
A General Sufferance for a whole Cargo, 5s. 6d.
A Shallop of Ten Tons or under, Entry or Clear-
ance, 3s. 4d.
Anchorage to be paid by Vessels from Great Britain,
Ireland, or Foreign Ports, also by Vessels report-
ing without Entry, 6s. 8d.

NAVAL OFFICER'S FEES, AND FEES TO BE TAKEN
AT OUT-PORTS.

- For Recording Certificate of Bonds given in Great
Britain, for Vessels to land enumerated commo-
dities, or taking Bond for such Vessels where no
such Certificate is produced, 2s. 6d.
For Cancelling said Bond taken at the office upon a re-
turn of the Certificate, 1s.
For Indorsing a Register when a Master of a Vessel is
changed, 2s.
For Examining and Signing a Certificate of the unload-
ing enumerated Commodities, for Cancelling the
Bond at the Port where it was given, 2s.
For Surveying Vessels, passing a Certificate, &c. and
for an Algerine Pass, 6s.

For a Vessel from a Foreign voyage, on Entry or Clearance, 6s.

For a Vessel from Nova Scotia, &c. 3s. 4d.

Coasters within the Province, 2s. 6d.

For Examining, Signing and Recording a Bill of Stores, 1s. 4d.

For Examining and Signing a Cocket for European Goods when re-exported, or for Goods when taken on Board after a Vessel is Cleared, 2s.

PUBLIC NOTARY'S FEES.

For Protesting a Bill of Exchange, 10s.

Noting a Bill for non-acceptance, 5s.

All other Protests, 15s.

Entry of Protests by Captains of Vessels, 3s.

FEES IN THE COURT OF CHANCERY.

MASTER'S FEES.

For every Summons, 2s.

For Copies of all Charges and Discharges brought in before the Master, Scheduling writings and other things, for each side containing 100 words, 6d.

For every Report or Certificate to be made in pursuance of an order made upon hearing the Cause, 15s.

For every other Certificate or Report made upon Petition or Motion only, 10s.

The Clerk's Fee for writing every Report or Certificate, 4s.

For every Affidavit, 1s.

For the allowance of every Recognizance, Affidavit, &c. to be acknowledged and taken in the Country, 2s.

For the acknowledgment of every Deed to be Recorded, 3s.

For an Examination Fee, 2s. 6d.

For every Exhibit signed by a Master, every person shewn to, 2s.

Copies for Deposition, each side, or 100 words, 1s.

For the Caption of every Recognizance, 2s.

The Clerk's Fee for writing the Recognizance and Condition, as the Order directs, 2s. 6d.

For every Exemplification examined by two Masters, to each of the said Masters who shall examine the same, 3s.

For every Bill of Costs to be taxed by a Master, for the Plaintiff's not putting in his Bill, or not proceeding to Reply, or for the Defendant's not appearing in due time, 2s. 6d.

REGISTER'S FEES.

For Drawing and Entering all Orders, per side, or 100 words, 2s.

For all Orders not by Motion, Petition or Hearing, but by consent of Parties, half to be paid by the Complainant, and half by the Defendant, per side, 5s.

For Filing a Report, 1s.

For Filing every Petition, 1s.

Copies of all Orders and Reports, for the first side, 1s. 3d.

For every side more, 1s.

For Filing and Registering every Affidavit, per side, 1s.

For Copying every Affidavit, per side, 6d.

For the Register or Deputy's hand to every Copy of Affidavit, 1s.

For every Certificate with the Register's or Deputy's hand to it, 2s. 3d.

For Entering a Cause for hearing, 1s.

For making of Notes of the Causes that stand for hearing ;

For Grounding the Subpœnas to hear Judgment,

For every Decree and Dismission, 5s.

For a Search in the Books for every Order or Decree ;

For every year,

For Entry of Attachments and Proclamations, for each person, 6d.

For all Rules of Court, to Answer, Reply, produce Witnesses, and Publication, &c. for each, 6d.

For Entry of all Rules of the like nature by consent, 1s.

For Entry of all Amerciaments, 1s.

For Entry of all Appearances in Contempt, 2s. 6d.

For all Bills of Cost for want of a Bill filed in time, 6d.

For Entry of all Dismissions for want of replication by the General Rules, 1s.

For all Copies of Attachments, Proclamations, Commissions of Rebellion, Rules, &c. for each 100 words, 6d.

For Entry of all Demurrers in Pleas, 1s.

CLERK'S FEES.

- For every Attachment with a Proclamation, 12s.
 For every Supercedeas for the discharge of any
 Commission ;
 Or other Writ, } 6s. 8d.
 For every Supersedeas of Privilege, (pro venientibus et
 redeuntibus ad vel cancellaria,) 12s.
 For every special Certiorari ad producendum Corpus
 cum causa, or Habeas Corpus, 2s.
 Every Bail upon every Writ of Corpus cum
 causa ; } 2s.
 Or matter of privilege,
 For all manner of Certioraris or procedendos of
 course, 2s.
 For all first, second or third Copies of all Bills, Answers,
 or other pleadings whatsoever, as also of all Certifi-
 cates and Examinations, made or taken by virtue
 of any Commission out of this Court, and of the In-
 terrogatories therewith returned, and also of all De-
 clarations or pleadings by English Bill, or according
 to the course of the Common Law, and for Copies
 of Records, Rolls, or Evidences brought to be copi-
 ed, or remaining in the said Court, for every side
 or 100 words, 9d.
 Of every Client for every Term the cause is in agi-
 tation ; } 5s.
 The Termly Fee,
 If there be twenty Plaintiffs in the Bill, or more, they
 all pay but one Fee for one Term ; but for every three
 Defendants, accounting the Husband and Wife but for
 one person, there is the Fee of 5s. ; but for every Term
 afterwards, during the continuance of the same, there is
 only the Fee of 5s. a Term, to be paid for all the De-
 fendants that appeared in any Term or Vacation before
 in the same cause.
 For Engrossing every Bill in Chancery hand, where an
 answer is to be made by Commission, for every leaf
 as aforesaid of 100 words, 1s.
 For every Commission of Rebellion, 10s.
 For every Commission to take an Answer or examine
 Witnesses, 6s. 8d.
 For every special Commission upon Order of the
 Court, 10s.

- For every Writ of Execution upon an Order, 6s. 8d.
 For Drawing and Enrolling of every Decree and Dismission, £1 10s.
 For each Writ of Execution upon a Decree, every 100 words, 1s.
 For Drawing and Engrossing every Injunction, 18s. 4d.
 For every Subpœna, 3s. 4d.
 If more than one person, every person more, 1s.
 For every Attachment, 6s. 8d.
 For filing every Bill, Answer, Replication, Rejoinder, or other pleadings, 2s. 3d.
 For Entering Rule to answer in the Rule Book, Copy thereof, and serving the same on the Defendant's Clerk, 4s. 6d.
 For a Writ Ne Exeat Provinciâ, 10s.
 For every Certificate that pleadings are filed, Costs of Contempt paid, or other matter necessary to be certified, 2s. 3d.

EXAMINER'S FEES.

- For Examination of every Deponent, 8s.
 For certifying of any Deed or other writing shewn to the Deponent at his examination, 2s. 6d.
 Copies of Depositions, every sheet containing 100 words, 1s.
 For the exemplification of Depositions, per sheet as aforesaid, 1s. 3d.
 For the examining of all Copies that are to be given in Evidence, 10s.
 For the examination of every person abroad, 10s.

COUNSEL'S FEES.

- Retaining Fee in every cause, £1.
 For Perusing and Signing Bill, Answer, Plea, Demurrer, or any other Special Pleadings, Interrogatories, or Exceptions, £1.
 For every Motion of Course, 10s.
 For every Special Motion, 15s.
 For Arguing every Plea, Demurrer, &c. £1.
 For Arguing before a Master upon exception, or any other matter, 15s.
 For Arguing before the Chancellor upon a Petition, 15s.
 For Arguing upon hearing of every cause, £1 10s.

Counsel's Fees upon Special Matters where their advice is necessary, and not herein before provided for, to be allowed at the discretion of a Master.

SOLICITOR'S FEES.

- Retaining Fee in every Cause, 15s.
 For Drawing every Affidavit of service of a Subpœna, or other common Affidavits, 3s. 4d.
 Every Copy thereof, 1s. 8d.
 For Drawing every Bill, Answer, Plea, Demurrer, Interrogatories, &c. in Chancery, per sheet, each sheet containing 100 words, 1s.
 For every Copy thereof, per sheet as aforesaid, 6d.
 For Engrossing the same, per sheet as aforesaid, 8d.
 Solicitor's Fee for every three months, 5s.
 For Drawing every common Petition, 3s. 4d.
 Copy thereof, 1s. 8d.
 For Drawing every special Petition or Affidavit, each 100 words, 2s.
 For every Copy thereof, per side, 1s.
 For Attending in getting every Petition answered, 6s. 8d.
 For Attending upon every hearing upon a Petition, 6s. 8d.
 For Attending the Court upon every common Motion, 3s. 4d.
 Upon every special Motion whereon is an Argument, 6s. 8d.
 For Copy of every Order per side, 1s.
 Serving the same, 3s. 4d.
 For giving Notice of, and attending the Examination of every Witness, either before Examiner or Master, 3s. 4d.
 For Drawing Instructions to the Examiner or Master, 4s. 8d.
 For the abbreviating every Bill, Answer, and all other Proceedings and Depositions, per sheet, containing as aforesaid, 3s.
 For Drawing Brief for Counsel, per sheet, 2s. 6d.
 For Copy thereof, per sheet, 6d.
 For Attending the Court upon every hearing upon every Argument or Demurrer, 15s.
 For Attending the Register upon drawing every Decretal Order, 6s. 8d.

- For Copy of every Order upon a reference to a Master, per side, 1s.
 For serving the Master therewith, 3s. 4d.
 For Attending the Master upon every Summons, 6s. 8d.
 For Drawing Charge, Discharge, or other matters before the Master, per side, 1s.
 For Attending the Master to file the same, 3s. 4d.
 For Drawing every Bill of Cost to be taxed, per side, 3s. 4d.
 For Drawing the Master's Report, 5s.
 Fee in Attending for the Report, 6s. 8d.
 For Drawing Notice of every Motion, Copy thereof and service, 3s. 4d.
 The Solicitor General to have the same as other Solicitors, and a fourth part more in Causes that concern the King.

SERJEANT AT ARMS' FEE.

- For taking a Prisoner into his Custody, 13s. 4d.
 Mileage for each Mile going and coming, per mile, 6d.
 For every Day a Prisoner remains in his Custody, 6s. 8d.
 For the Return of an Order, 1s.
 For Notice to the Officers for time of Courts sitting, } 9d.
 For every Motion then made, }
 For every hearing, 2s. }
 For Serving every Summons to attend a Master, 1s.
 Every Person in Contempt, before being discharged of his Contempt, shall, besides all other Fees, pay to the Serjeant at Arms, 6s. 8d.
 For the Service of every Subpœna within twenty miles, 3s. 4d.
 Besides Travelling for every Mile going and coming, per mile, 6d.
 And if any Person will employ him to serve Subpœnas a further distance, then for every Mile further, per mile, 4d.

ADMIRALTY COURT.

JUDGE'S FEES.

- Attesting all Depositions, 2s. 6d.
 Every Application made before him, 5s.
 For every Decree in common Suits for Wages, &c. £1.

Sentence Fee in cases of Seizure or Capture, for any Wares or Merchandise under £200 value, or where vessels are under 100 tons burthen, £3 10s.
 Final Decree in all Causes above £100 value, or where the Vessel is more than 100 tons burthen, £7.

ADVOCATE GENERAL AND PROCTOR'S FEES.

Retaining Fee, £1.
 Drawing Information, £1.
 Every Motion, 6s. 8d.
 Pleading Fee, £1.
 Copy of the Information, 6s. 8d.
 Attending every Court day, 6s. 8d.
 Drawing Plea, 4s.
 Drawing Replication, 4s.
 Copy of each, 2s.
 Drawing Interrogatories, per 100 words, 1s.
 Copy thereof, 6d.
 Serving Notice, 3s. 4d.
 To the Advocate General over and above these Fees, one fifth.

REGISTER'S FEES.

Writ of Seal for Wages, 5s.
 Entering Return thereof, 1s.
 Filing Libel, 2s. 6d.
 Copy thereof, 6s. 8d.
 Making Proclamation for Appearance, 1s.
 Taking every Stipulation in Court, 2s.
 Entering every Motion upon request of Plaintiff or Defendant, 2s.
 Copy thereof, 1s.
 Every Rule of Court, 1s.
 Reading every Evidence in Court, 1s.
 Examining and Drawing every Deposition, 8s.
 Swearing every Evidence, 1s.
 Filing every Deposition, 1s.
 Filing Answer, Replication, &c. 1s.
 Copy thereof, per sheet, 6d.
 Reading all Answers, Libels, and Replications in Court, if the pleadings be special, 2s.
 Entering each Default for non-appearance, 1s.
 Subpoena for Evidence, 3s. 4d.
 If more than one, for each person, 1s.

- Entering every Decree or Judgment in the Minutes, 6s. 8d.
 Entering the Decree in the Regisier, 6s. 8d.
 A Duplicate thereof and Seal, 6s. 8d.
 Copies of all Proceedings, for the first sheet, 1s.
 Every Sheet more of 100 words, 6d.
 Entering Appraiser's Return, 2s.
 Entering Vendue Master's Return, 2s.
 A Commission to Examine Evidences and Seal, 13s. 4d.
 Recording a Commission and Instructions for a Private Man of War, £2.
 Taking Bond for observance of the same, 4s.

MARSHAL'S FEES.

- Summoning every Witness, 1s. 6d.
 Swearing each Witness in Court, 9d.
 Each Proclamation, 1s.
 Serving every Writ of Attachment, 7s. 6d.
 Summoning Appraisers, 4s.
 On every Sentence of Acquittal and Condemnation, 12s. 6d.

VENDUE MASTERS FEES.

- To the Vendue Masters, two and a half per cent.

REGISTER'S FEES.

- For Recording a Deed or other Instrument, for every 100 words the same contains, 1s.
 Each Copy taken from the Records, for every 100 words the same contains, 1s.
 Every Certificate, 1s.
 Every Search, 1s.

FEES TO BE TAKEN BY HIS EXCELLENCY THE GOVERNOR.

- For the Seal to every Writ from Chancery, 3s.
 For a Writ of Appeal in Error to him in Council, from the Supreme Court, 10s.
 Fixing the Great Seal to Decrees in Chancery, and to all other Papers, £3 10s.
 For the Great Seal to every Grant not exceeding 1000 Acres, and for more in proportion, £3 10s.
 A Licence of Marriage, 10s.
 A Certificate under his Hand and Seal, 10s.

- For his Seal to a Register of a Vessel, 5s.
 Commissions of Oyer and Terminer and Gaol Delivery, £3 10s.
 To Justices of the Peace, 10s.
 Field Officers of Militia, £1 3s. 4d.
 Captains, 11s. 8d.
 Subalterns, 6s. 8d.
 Revenue Officers, £1 10s.
 Warrants for Temporary Services, 11s. 8d.
 Vessel's Passes, 2s. 6d.
 Papers entered on the Council Books, 5s.

ATTORNEY GENERAL'S OR SOLICITOR GENERAL'S
 FEES.

- For his Fiat on all Instruments issued in the King's name, £1 3s. 4d.
 For Grants of Land from 100 to 500 Acres inclusive, 7s. 6d.
 For all above, 13s. 4d.
 For Special Pleas confessed on a Scire Facias, } £1.
 To Vacate a Patent, }
 Other Special Pleas confessed, 10s.

And in all Causes where the King is concerned, to be allowed one fourth more than other Counsel in Chancery.

- For Entering every Noli Prosequi, each Defendant, 10s.
 For his Report on every Petition or Reference, 10s.
 For every Process on Indictment, 3s.
 Drawing every Indictment or Information, 6s.
 Copy and Engrossing the same, 6s.
 Drawing all Special Indictments and Pleadings, per 100 words, 1s. 6d.
 Copy thereof per Sheet, or 100 words 9d.
 Every Motion in Court, 5s.
 Every Argument on Demurrer, Special Verdict, or Trial, 12s. ; or at the Discretion of the Judge.
 For every Warrant to acknowledge Satisfaction on Record, and Discharging Fines, 6s.

AUDITOR'S FEES.

- For Auditing Grants, each Grant, 13s. 4d.
 Where Loyalists are concerned, half the Register's Fees.

REGISTER'S FEES.

- For all Copies from the Records, every 100 words, 1s. 6d.
 Certificate, 2s. 6d.
 For Recording a Grant of Land of 500 Acres, or under, £1 10s.
 From 500 to 1000 Acres, £2.
 Every 1000 Acres more to 20,000 Acres, 2s.
 All Grants to more than one person, for each name, 1s.
 Recording the Grant of a Township of 20 Grantees and upwards, £4.

FEES TO BE TAKEN BY THE SECRETARY OF THE PROVINCE AND CLERK OF THE COUNCIL.

- For every Warrant Appointing to an Office, 6s. 8d.
 Instructions of Office, 6s. 8d.
 Every Grant of Land, each 1000 Acres, £1 5s.
 Licence of Marriage and Bond, 7s. 6d.
 Commissions of Oyer and Terminer and Gaol Delivery, £1 10.
 To Justices of the Peace, 5s.
 Field Officers, 10s.
 Captains, 5s.
 Subalterns, 3s.
 For Papers entered on the Council Books, 5s.
 Commissions to Revenue Officers, 10s.
 Bond for ditto, 5s.
 Certificate from the Secretary's Office attested by the Secretary, 5s.
 Warrants for Temporary Services other than of Survey of Lands to Loyalists, 5s.
 Petitions to the Governor and Council, and Orders thereon, excepting those for Land to Loyalists, 10s.
 Orders of Council for particular persons, 5s.
 Vessel's Papers, 2s. 6d.
 Fixing the Great Seal to Decrees in Chancery, and to all other Papers, £1 3s. 4d.
 Filing all Papers in the Office, and for every Search, 1s.
 Copies and Entries, each 100 words, 1s.

FEES TO BE PAID A CLERK OF ASSEMBLY.

- For Reading and Entering every Petition or Writing, 1s. 6d.
 Entering an Answer thereto, 1s. 6d.

Perusal of any Act, or each day's Minutes, 1s. 6d.
 Entering an Order of the House or Copy thereof 1s. 6d.
 A report in the Journals, 1s. 6d.
 Reading or Entering private Bill, each time, 1s. 6d.
 Entering a Resolve that it pass, 1s. 6d.
 Entering the Subscriptions to the Bill and Resolve that
 the Speaker Sign it, 1s. 6d.
 Order that it be carried to the Council, 1s. 6d.
 Indorsing said Order, 1s. 6d.
 Reading and Engrossing a Private Bill, 12s.
 Recording a Petition, if required, 3s.
 Filing a Petition or other paper, 6d.
 Attending a Committee of the House, 4s. 6d.
 Drawing a Report of a Committee and Entry, 3s.
 A Copy thereof, 1s. 6d.
 Copy of a Petition, 1s.
 Copy of each day's Minutes, 2s. 6d.
 Attendance per day, and drawing Resolves, 10s.
 Order of the House to bring a Person in Custody, 3s.

SERGEANT AT ARMS' FEES.

The same as in Chancery for the like services.

THE DOOR-KEEPER OF THE COUNCIL.

For every Petition, 1s.

DOOR-KEEPER OF THE ASSEMBLY.

For Attendance per diem, 4s.

For every Petition, 9d.

And for the information of all persons, every Officer is hereby directed to keep up a Table of Fees in his Office as far as they relate to the same; and all and every Person or Persons, Officer or Officers, that shall at any time exact, demand, or ask any greater or other Fee, for or in respect of any services herein before mentioned, than such as are hereby, or which shall be, at any time hereafter, by the authority aforesaid, established and allowed him or them, shall be liable to be suspended and turned out of his or their said Office or Offices.

And it is hereby further ordained, that the Chief Justice of the Supreme Court, and all Judges within this

Province, do tax and allow all Bills of Cost arising within their several Courts, according to the Table of Fees herein before established, and not otherwise.

Given under my Hand and Seal, in Council, this second day of March, in the Twenty-fifth Year of His Majesty's Reign, and in the Year of our Lord One thousand seven hundred and eighty-five:

(Signed) THOS. CARLETON.



AN ORDINANCE ABOLISHING TRAVELLING CHARGES
TO COUNSEL AND ATTORNIES IN THE
SUPREME COURT.

*By His Excellency Major General Sir HOWARD
(L. S.) DOUGLAS, Baronet, Lieutenant Governor
and Commander in Chief of the Province of
New Brunswick, &c. &c. &c.*

HOWARD DOUGLAS.

WHEREAS by an Ordinance establishing Fees to be taken in the Province of New Brunswick made and passed by His Excellency Thomas Carleton, Governor of this Province, in Council, the second day of March One thousand seven hundred and eighty-five, there are allowed and established among other Fees the following: that is to say,

For Attornies in the Supreme Court, Travelling charges per day, 10s.

For Counsel in the Supreme Court, Travelling charges the same as Attornies, and no more than one Counsel to be allowed in taxing Costs.

AND WHEREAS, in the present circumstances of the Country, it is expedient and proper that the said Fees for Travelling charges, to Attornies and Counsel in the Supreme Court, should be abolished, I do therefore, by and with the advice and consent of His Majesty's Council, ordain and declare that the said Fees for Travelling charges herein before specified be, and the same are hereby abolished.

And I do further, by and with the advice and consent aforesaid, ordain and declare that henceforth any Judge of the Supreme Court before whom a Cause shall be Tried, or after being entered for trial shall by Rule of Court be referred to Arbitration may allow to be taxed in the Bill of Costs in such cause a Counsel Fee, in his discretion, in no case to exceed Five Guineas.

Given under my Hand and Seal, at Fredericton, the sixth day of March in the Year of our Lord one Thousand eight hundred and twenty-six, and in the seventh Year of His Majesty's Reign.

By His Excellency's Command,

WM. F. ODELL.



FEES ALLOWED IN SUMMARY ACTIONS IN THE SUPREME COURT,

BY ACT 4 WILLIAM IV. C. 41. SEC. V.

TO THE JUSTICES.

On the Entry of every Cause, 3s. 4d.

On Trial, 3s. 4d.

TO THE CLERK.

For Signing and Sealing the Writ and filing Præcipe, 1s. 6d.

Filing all other papers, each, 6d.

Filing Writ and entering cause, 1s. 6d.

Taxing costs, 1s.

Entering Memorandum and signing Judgment, 3s.

Entering Defendant's appearance and filing Plea, 1s. 6d.

TO THE ATTORNEY.

On commencing every action for Writ Præcipe, Affidavit and Declaration, 11s. 8d.

Copy thereof for Defendant, 5s.

Bill of particulars per folio, for original and copy, 6d.

Attending taxation of Costs, 1s.

Attending Execution of Writ of Inquiry, 3s. 4d.

And in cases that do not go to a Jury for all other proceedings until final Judgment, 8s. 4d.

For every motion before the Court in Banc, actually made in open Court, and entered in the Minutes, 8s. 4d.

On every cause entered for trial, and for every argument before the Court in Banc, not less than half a Guinea, nor more than two Guineas in the discretion of the presiding Judge.

And for all other necessary Proceedings in the conducting of any cause under the provisions of the said Act to final Judgment, not provided for in this Section, Sixpence per folio.

TO THE CLERK OF THE CIRCUITS.

Half the Fees now taxable in other cases not Summary.

SECTION VI.

Costs of Defending Summary Actions in the Supreme Court, same as are now allowed and taxable in the Inferior Courts of Common Pleas for like services.

FEEES ALLOWED IN SUMMARY ACTIONS IN THE INFERIOR COURT OF COMMON PLEAS.

BY ACT 35 GEORGE 3, C. II. SEC. VIII.

TO THE JUSTICES.

Upon Filling the Writ, 2s.

For Trial and Judgment and taxing Costs, 8s.

Taking Bail, if at his Chambers, 2s.

TO THE CLERK.

For signing and sealing the Writ, and filing the Præcipe, 1s. 6d.

For filing the Affidavit for Bail, 4d.

For filing the Writ and entering the cause, 1s. 6d.

For final Judgment, 2s.

For entering the Defendant's appearance and filing Plea, 1s. 6d.

TO THE ATTORNEY.

For Writ, Præcipe, Affidavit and Declaration, 11s. 8d.
If no bail required then, 10s.

And in all causes that do not go to a Jury for all other proceedings to final Judgment, 8s. 4d.

TO THE SHERIFF AND CRIER.

The same fees as in other cases in this Court.

COURT OF GOVERNOR AND COUNCIL.

RULES AND ORDERS FOR THE REGULATION AND GOVERNMENT OF THE
COURT OF GOVERNOR AND COUNCIL, UNDER THE ACT OF THE
GENERAL ASSEMBLY FOR REGULATING MARRIAGE
AND DIVORCE.

Fredericton, in the Province of New-Brunswick, 19th July, 1791.

At a Court of the Governor and Council of the Province of New-Brunswick held in pursuance of an Act of the General Assembly of the said Province intituled "An Act for regulating Marriage and Divorce and for preventing and punishing Incest, Adultery, and Fornication.

PRESENT.

His Excellency Thomas Carleton, Esquire,
Lieutenant Governor and Commander in Chief.
The Honorable George Duncan Ludlow.
Isaac Allen,
Edward Winslow,
Jonathan Odell, and
Beverley Robinson, Junior. } *Esquires*
of the
Council.

The following Rules and Orders were established for the Regulation and Government of the Practice in the said Court.

1st. That all Citations and other Processes be directed to the Sheriff of the County in which the Defendant resides.

2d. That all Citations be served thirty days before the return, and that a Copy of the Complainant's libel be delivered to the Defendant at the time of serving the Citation.

3d, That all evidence touching the matters in controversy be examined *viva voce* in open Court.

4th That all Attornies of the Supreme Court be admitted to practice as Proctors and Advocates in this Court.

5th That the Commissioners for taking Affidavits in the Supreme Court be Commissioners for taking Affidavits in this Court, in all such cases where deposition are to be admitted *de bene esse*, under the Act of Assembly.

6th That on the return day of the Citation the Defendant file his or her answer and be ready with evidences for trial.

ADVOCATE'S FEES.

- Retaining fee, £1.
 Perusing and Signing Libel, Answer, Interrogatories, or
 Exception, 15s.
 For every motion of Cause, 5s.
 For every Special Motion, 10s.
 For arguing the Cause, £1.

PROCTOR'S FEES.

- Retaining fee in every cause, 15s.
 Drawing every Citation, Libel, Answer, Interrogatories,
 Records, &c, every sheet containing 100 words, 1s.
 For every Copy thereof, per sheet, 6d.
 For engrossing the same, do. 8d.
 Term fee, 5s.
 For attending a Commissioner upon examination of a
 Witness *de bene esse*, upon interrogatories, 10s.
 Serving all necessary notices, 1s.

CLERK'S FEES.

- For signing every Citation or other Process, 2s.
 Filing every paper or process, and for every search, 1s.
 For copies of all common Rules, 2s.
 Minuting every Motion, 1s
 Entering every Order or Decree, 2s.
 Filing the Record, 3s.
 For Drawing and Copying, the same fee as to the Proc-
 tor.

SHERIFF'S FEES.

- Serving Citation, on each person, 5s.
 Travelling, per mile, from the Court House of the
 County, 3d.
 Serving Copy of Libel on Defendant, 2s. 6d.

CRYER'S FEES.

- Upon first Motion in each Cause, 1s.
 Upon final Decree, 1s.
 Swearing each Witness, 6d.

COMMISSIONER'S FEES.

- For each Witness examined, 8s.
 Taking Affidavit, 1s.
 For Drawing and Copying Answer to Interrogatories,
 if done by him, the same fee as to the Proctor.