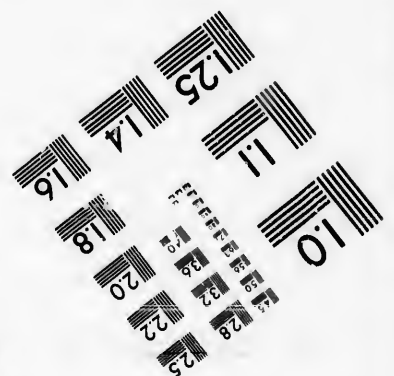
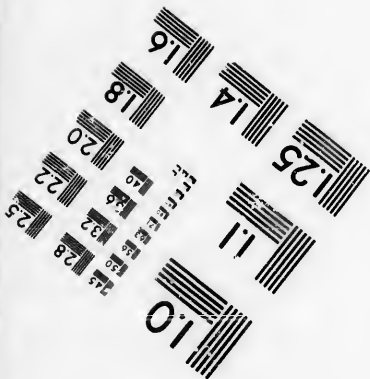
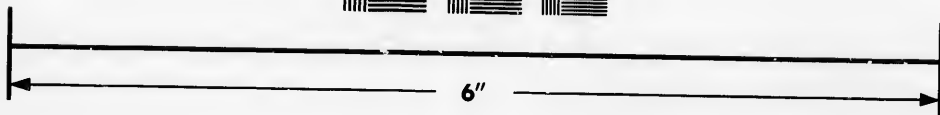
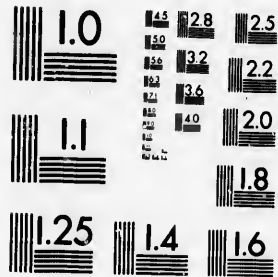


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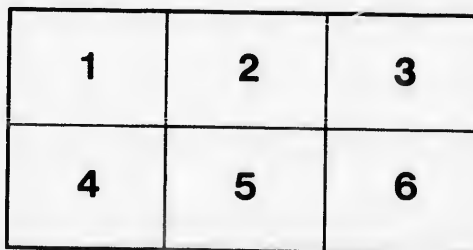
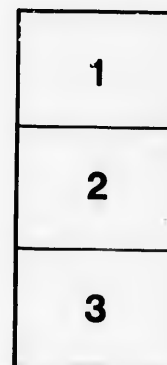
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Manitoba. Court of Queen's bench.

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GENERAL RULES AND ORDERS

OF THE

COURT OF QUEEN'S BENCH,

MANITOBA;

WITH TABLES OF COSTS FOR ALL PROCEEDINGS

IN THE SAME;

ALSO RULES FOR THE COUNTY COURT AND TARIFF

FEEES IN THE SAME,

MADE THE 10th DAY OF FEBRUARY, 1875.

WINNIPEG:

PRINTED AT "THE STANDARD" PRINTING AND PUBLISHING COMPY'S OFFICE.

1875.

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GENERAL RULES
OF THE
COURT OF QUEEN'S BENCH,
MANITOBA.

1. In all actions the rules of practice and procedure of the Superior Courts of Law at Westminster in England shall, except as necessarily modified or changed by the different conditions and circumstances of this Province, and by Acts of the Legislature, and by rules from time to time made by the judges here, be the rules of practice and procedure of the Court of Queen's Bench of Manitoba.

2. An action may be commenced as well by a Writ of Capias, where that is allowable, as by Writ of Summons; and where it is commenced by the former writ, no Writ of Summons need issue.

3. If a Writ of Summons might have been specially endorsed, and it should not be, and by consequence, an appearance is entered for the defendant by the plaintiff, as, where it is necessary, on default of appearance by the defendant, the plaintiff, in order to bring the defendant into court, has a right to do in cases of writs not specially endorsed, the plaintiff shall be allowed only such costs of the declaration and particulars and the service thereof, as he would have been entitled to, had the writ been specially endorsed.

4. In actions of ejectment the notice may contain any number of modes in which title is set up; but the opposite party may apply to a judge or the court to strike out any mode upon the ground of embarrassment or delay; and at the trial the claimant shall be confined to proof of the title set up in the notice, but shall not be required to set out in such notice the date or particular contents of any letters patent, deed, will, or other instrument or writing which shows or supports his title, or the date of any marriage or death unless he be directed so to do by order of a judge or the court. And where no appearance is entered to a writ of ejectment, and the writ has been personally served on a party in adverse possession, or where the claimant has obtained a

judge's order directing judgment to be signed for the recovery of the possession of the land or a portion of it in the writ mentioned and for costs, such claimant may enter judgment for the possession of the land aforesaid, and his costs so taxed against the person who so holds adverse possession and upon whom the writ was served as aforesaid, upon filing the writ with the affidavit of service thereof, and the said judge's order, if any be made; and the judgment roll shall be in the ordinary form, except there shall be added to it—"And do also recover against (C. D.) the defendant for costs of this action, etc."

5. The plaintiff may join cognate causes of action in the same action and may declare by one or more counts, and the defendant may plead one or more pleas to each count, and the plaintiff may reply with one or more replications to each plea; but it shall be competent for either party to apply to a judge or the court to strike out any pleading calculated to embarrass or delay the proceedings; and in actions on promissory notes and bills of exchange, or in actions to recover a money demand rendered certain by any instrument in writing under the signature of the defendant, or in matters of mere account, where the same is liquidated by the course of dealing or the act of the parties or of the defendant, and the writ has been specially endorsed or full particulars have been served along with the declaration, and the defendant shall in his pleas set up a defence not true in fact, but merely for the purpose of embarrassment or delay, it shall be competent for a judge or the court on application to order that such plea or pleas shall be struck out, and if it shall be just so to do, to order that judgment be forthwith entered for the plaintiff on such terms, as to costs and otherwise as shall appear just.

6. It shall not be necessary in any proceedings to make a judge's order for the payment of costs a rule of court; but writs of execution may be issued in pursuance of the order in the same manner, and shall have the same force and effect, as if the same had been issued in pursuance of a rule of court.

7. No Issue Book need be delivered in the proceedings in any action; but a Nisi Prius Record shall be made up by the plaintiff and passed in the Master's office, and whether issues are to be tried or damages assessed, with or without the intervention of a jury or by the judge, it shall not be necessary to put on the Record any other *venire* than the following, that is to say:—"Therefore, &c."

8. When issues in fact have been tried, or damages assessed or enquired of before a judge without the intervention of a jury, the postea endorsed on the Nisi Prius Record may be to the effect or in the words following:—

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"Afterwards, on the _____ day of _____ in the year of our Lord 187—, at the sittings of Assize and Nisi Prius, in and for the Province of Manitoba, at Winnipeg, the honorable (*as the case may be*), before whom the said issues or issue (*as the case may be*) were or was tried, or the said damages were enquired of (*if it be only an assessment of damages*) without a jury, found all the said issues (*or as the case may be*) for the plaintiff or for the defendant (*as the case may be*), (or) found the first, second, &c., issues for the plaintiff, and the fourth and fifth issues for the defendant (*as is the actual finding*), and assessed the damages of the plaintiff at _____ over and above his costs (*or if the judge has found a balance due to the defendant, on a plea of set-off or otherwise after stating the issue or issues found for the defendant, after the word 'damages' say*) of the defendant at _____ over and above his costs (*or if it be only an assessment of damages leave out all about the issues and say*) assessed the said damages of the plaintiff at _____

"Therefore, etc."

9. No proceeding shall be defeated by any formal objection, but it shall be in the discretion of a judge or the court in all matters of practice and procedure to order all necessary amendments with or without costs, to the end that in all things substantial justice may be done.

10. From and after the tenth day of February, 1875, the Table of Costs following, shall be that according to which all costs in civil actions in the Court of "Queen's Bench" on the Common Law side shall be allowed and taxed, and no other fees, costs or charges than herein set down shall be allowed in respect of the matters thereby provided for, either upon taxation between Attorney and Client, or between Party and Party. The scale marked "Inferior Scale" shall be allowed when in ejectment, and in replevin the value of the property does not exceed \$200, and in replevin is above \$40, and in all personal actions (except where the title to land, or the validity of any devise, bequest or limitation under any will or settlement is disputed, or in actions for libel, or slander, or criminal conversation) where the debt or damages claimed or recovered exceed \$40 in the case of *torts* or actions *ex delicto*, and \$100 in actions *ex contractu* where the demand or amount is not liquidated or ascertained by the signature of the defendant or by the act of the parties, do not exceed \$200, and in actions relating to debt, covenant and contract, wherein the demand is liquidated or ascertained by the signature of the defendant or by the act of the parties and in which the recovery is above \$100 and does not exceed \$400; and in all other cases the scale marked "Superior Scale" shall be allowed, and the amount of the verdict or real amount recovered shall be conclusive as to the scale of costs to be allowed, except a judge shall otherwise certify or order.

COPY AND SERVICE OF WRITS OF SUMMONS AND OTHER PROCESS.

	Superior Scale.	Infe'r Scale.
	\$ c.	\$ c.
For each copy, including copies of all Notices required to be endorsed	1 00	0 50
Service of each copy of Writ, if not done by the Sheriff, or an officer employed by him, when taxable to the Attorney	0 50	0 50
Mileage per mile, for the distance actually and necessarily travelled, when taxable to the Attorney, one way	0 10	0 10

INSTRUCTIONS FOR PLEADING, ETC.

Infe'r Scale, \$ c.		Superior Scale.	Infe'r Scale.
		\$ c.	\$ c.
0 25	For Special affidavits when allowed by the Master, and instructing Counsel upon special matters	1 00	0 50
	Instruction to Counsel in common matters	0 50	0 25
	Instructions for Pleadings in action	1 50	1 00
1 00	Do. for Brief	2 00	1 00
1 00	Do. for every Suggestion	1 00	0 50
1 00	Do. for issue of fact by consent	1 50	0 75
1 50	Do. for Suggestion to revive, or for action of Revivor, when no rule necessary	1 00	0 50
1 00	Do. for rule for Writ of Revivor, when necessary	1 50	0 50
1 00	Do. to defend executor, after suggestion of death of original defendant	1 00	0 50
1 00	Do. for agreement of damages	1 00	0 50
1 00	Do. for confession of action in Ejectment, as to the whole or in part	1 00	0 50
1 00	Do. to strike or reduce a Special Jury	2 00	1 00

DRAWING PLEADINGS, ETC.

1 00	Declaration	2 00	1 00
1 00	If above ten folios, for every folio above ten, in addition	0 20	0 20
0 75	One or more Pleas, if five folios or under	2 00	1 00
1 00	If above five folios, for every folio in addition	0 20	0 20
1 50	Joinder of Issue, inclusive of copies and engrossing	0 50	0 25
0 75	Demurrer	2 00	1 00
0 75	Joinder of Demurrer, inclusive of copies and engrossing	0 50	0 25
1 00	Marginal statement of matters of Law for argument, exclusive of copies for the Judges	1 00	0 50
1 00	Replications, new assignment and other Pleadings, the same as the foregoing charges for Pleas		
1 00	Postea, including engrossing	1 00	0 50
1 00	Judgment, whether by default or final	1 00	0 50
1 00	Authority to receive moneys out of Court	0 50	0 25
1 00	Suggestions, Pleas to Suggestions, and subsequent Pleadings of three folios or under, inclusive of engrossment	0 80	0 50
1 00	If above three folios, for every folio, drawing and engrossing	0 20	0 20
1 00	Issue for the trial of facts, by agreement, for every folio	0 20	0 20
1 00	Special Case, per folio	0 20	0 20

	Superior Scale.	Infe'r Scale.
	\$ c.	\$ c.
Drawing interrogatories or answers for any purpose required by Law, including engrossing, per folio	0 20	0 20
Agreement of Damages and copy, if five folios, or under . .	1 00	0 50
Above five folios, for every folio, drawing and engrossing . .	0 20	0 20
Special particulars of demand or set off, per folio	0 20	0 20
Short, ditto	0 50	0 25
Bill of Costs, and copy for taxation	1 00	0 50
Taking Cognovit and entering Judgment thereon, when there has been no previous proceeding, and the true debt does not exceed \$500	12 00	} 9 00
For the same services, when the true debt exceeds \$1,000 . .	15 00	
Drawing and engrossing Cognovit and attending execution, where there have been previous proceedings	2 00	0 75
Replication, accepting money out of Court, in full of demand	1 00	0 50
Every necessary letter on the business of the cause, including attendance to post but not postage	0 50	0 25

COPIES.

Declaration when not exceeding ten folios each	1 00	0 75
Do. above ten folios, per folio each	0 12	0 12
Other pleadings before enumerated, above five folios, per folio above five	0 12	0 12
All Proceedings, Interrogatories, Answers and other papers, of which copies are to be delivered, per folio	0 12	0 12
Judgment Roll for non-appearance on Specially indorsed Writs, or Writs of Revivor and in Ejectment, to be taken as nine folios including the Writ	1 80	0 75
Of Special and Common Rules	1 00	0 50
Of Special Rule, above three folios, per folio additional	0 20	0 25
Of Summons or Order of a Judge	0 50	0 25
Of Order to charge a prisoner in execution	0 70	0 50

NOTE.—Issue Book is done away with, and no allowance to be made for it.

NOTICES, INCLUDING COPY.

To declare, plead, reply, and subsequent pleadings	0 50	0 25
By Defendant to bring issue to trial	0 50	0 25
To Executor or Administrator of sole Defendant deceased to appear to writ and suggestion	0 50	0 25
Of appearance, when appearance duly entered, and notice given on the day of appearance, but not otherwise	0 50	0 25
Of appearance to Writ or Revivor	0 50	0 25
To Plead	0 50	0 25
Of Declaration, when necessary	0 50	0 25
Of objection for mis-joinder, or non-joinder of Plaintiff	0 50	0 25
To Sheriff to discharge a prisoner out of custody	0 50	0 25
Notice of Ejectment to defend for part of premises	1 00	0 50

Infer Scale.		Superior Scale.	Infer Scale.
\$ c.		\$ c.	\$ c.
0 20	If above three folios, for every folio additional	0 20	0 20
0 50	Notice of claimant's or defendant's title in Ejectment, the same fees.		
0 20	Notice of admission of right and denial of ouster by a Joint		
0 20	Tenant, &c.	0 50	0 25
0 25	If above three folios, for every folio	0 20	0 20
0 50	Of discontinuance by claimant in Ejectment.	0 50	0 25
	Of confession of action of Ejectment, as to whole or in part	0 50	0 25
	Of trial or assessment.	0 50	0 25
9 00	Demand of residence of Plaintiff and all other common notices.	0 50	0 25
0 75	To admit or produce, if not exceeding two folios.	0 50	0 25
0 50	For each folio above two.	0 20	0 20
	ATTENDANCES.		
0 25	Attendance at Judge's Chambers	1 00	0 50
	Attendance to file or serve	0 50	0 25
	Attendance to give or receive undertaking to appear when service of process accepted by an attorney	1 00	0 50
0 75	Attorney attending Court of Assize, when not himself Counsel or Partner of Council	2 00	1 00
0 12	Attendance on Master in special matters	1 00	0 50
0 12	For every hour after the first	1 00	0 75
0 12	Taxation of costs per hear	1 00	0 75
	All other necessary attendances	0 50	0 25
	BRIEFS.		
0 75	For drawing Brief not exceeding five folios	2 00	1 00
0 50	Do. per folio additional of original and necessary matter	0 20	0 20
0 25	Copies of documents, other than Pleadings, when required, per folio	0 12	0 12
	TERM FEES AND OTHER FEES.		
0 25	Copy of brief for second Counsel when fee taxed to him, per folio	0 12	0 12
0 25	Team Fee after Declaration filed	1 00	0 50
0 25	Fee on every Record, including attendance to pass	1 00	0 50
0 25	Fee on every Rule of Court or Judge's Order	1 00	0 50
0 25	Fee on attending by Counsel or Attorney, to hear Judgment of Court, when attendance is noted by the Clerk at the time	2 00	1 00
	AFFIDAVITS.		
0 25	Affidavits of four folios and under including attendance and oath	1 00	0 75
0 25	Above four folios for every additional folio	0 20	0 20

	Superior Scale.	Infe'r Scale.
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Copies of affidavits when necessary, per folio.	0 12	0 12
Common Affidavits of service, when necessary, including attendance to swear and oath	1 00	0 75
Mileage on Services of Papers as on Writs of Summons.		

NOTE.--No Affidavit of Service will be allowed of any paper by one Attorney upon another, unless the Attorney served refuses to admit service in writing, and unless in consequence the affidavit becomes or is necessary; and any clerk of any Attorney may admit service for his master.

DEFENDANTS.

Appearance	0 70	0 50
For each additional Defendant	0 25	0 20
A second summons, and order for time to plead shall be allowed in special cases, when necessary.		

COUNSEL FEES.

Fee on Motion of Course, or on Motion for Rule Nisi, or on Motion to make Rule absolute, in matters not special . .	2 00	1 00
On Special Motion for Rule Nisi (only one Counsel fee to be taxed).....	5 00	3 00
To be increased to \$10 in the discretion of the Master.		
To attend Reference to Master, when a Counsel necessary....	5 00	3 00
On revising Pleadings, or Interrogatories, or settling, or revising Special Cases when necessary, in the discretion of the Master... ..	5 00	3 00
Advising on evidence or on the case generally in contested cases, in discretion of the Master, a sum not exceeding...	5 00	2 00
Fee on argument on supporting or opposing Rules on return of Rule Nisi, or argument of Demurrer; special case	10 00	5 00
<i>NOTE.</i> —To be increased at the discretion of the master to a sum not to exceed	30 00	10 00
Fee with Brief on Assessments	10 00	5 00
Fee with Brief at trial in cases of Tort or in Ejectment, or in matters of contract where contested	15 00	10 00
(To be increased by taxing officer, in his discretion, to a sum not exceeding \$30 to Senior Counsel, and \$20 Junior Counsel, in actions of a special and important nature; Provided that the Master shall have power to tax increased fees, provided that more than one Counsel fee shall not be allowed in any case, not of a special and important nature, nor more than two in any case.)	0 00	15 00
Fee to Counsel when Counsel attend on argument or examination in Chambers, which in the opinion of the Judge or Master required attendance of Counsel	2 00	1 00
(But may be increased in the discretion of the Master or a Judge to a greater sum, but not to exceed	10 00	5 00
Where any fee is subject to be increased in the discretion of the Master, either party to the taxation, may during its		

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progress require that such item shall be referred by the Master to a Judge whose decision shall be final. The Master may apply to a Judge or the Court, on the taxation of any item which is in his discretion, or is referred to him.

Superior Scale. Infer Scale.
\$ c. \$ c.

ALLOWANCE TO WITNESSES.

To witnesses residing within three miles of the Court House per diem	1 25	1 25
To witnesses residing over three miles from the Court House Barristers and Attorneys, Physicians and Surgeons, when called upon to give evidence in consequence of any professional services rendered by them, or to give professional opinions, per diem... ..	1 50	1 50
	4 00	4 00

NOTE.—The travelling expense of witnesses shall be allowed according to the sums reasonably and actually expended, but in no case shall exceed 20 cents per mile one way; and if witnesses attend in one cause only they will be entitled to the full allowance in that case; but if they attend in more than one case they will be entitled to a proportional part only in each case.

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TO CLERK IN CHAMBERS.

For each Fiat granted by a Judge for a writ of Quo Warranto, or for a Rule of Court	0 50	0 25
For every Summons	0 35	0 25
For every Order	0 75	0 50
For filing each paper	0 10	0 10
Taking Affidavit	0 20	0 20
For making up each final Judgment of the Judge in contested Municipal Election cases, and returning the same into Court	1 00	1 00
Copies of papers, per folio of 100 words	0 12	0 12
Every search of not more than two terms	0 15	0 10
Do. if exceeding two terms and not more than four	0 25	0 20
Do. if exceeding four terms, or a general search	0 75	0 50

10 00

CONTESTED MUNICIPAL ELECTIONS.

ATTORNEY.

<i>Instructions.</i> —To apply for a Writ of Summons or defend against	2 00	2 00
<i>Statement</i> of grounds of complaint, including a fair copy ...	2 00	2 00
<i>Affidavits</i> whether special or common, per folio of 100 words	0 20	0 20
<i>Recognizance</i> —Drawing	1 00	1 00
<i>Attendance Special</i> at Chambers, for Writ of Summons, to serve writ, upon the argument, or to hear judgment ...	1 00	1 00
<i>Attendance Common</i> , all other attendances, not mentioned as special, each	0 50	0 50

1 00
5 00

	Superior Scale. \$ c.	Infer Scale. \$ c.
<i>Writs.</i> Preparing Writ of Summons, Writ of Certiorari, Mandamus, Trial, or Writ of Execution, each	1 00	1 00
Fee on each Writ	1 00	1 00
<i>Notices.</i> Indorsement on Writ of Summons, every other endorsement upon writ, when required to be made, and all common notices, each	0 50	0 50
<i>Copies</i> of Statement, or other papers and documents, when required to be made or served, half the amount allowed for the original, and where no specific sum is allowed, then copies of papers required, or which may be directed to be made, furnished or served, to be allowed per folio of 100 words	0 12	0 12
<i>Issues</i> when directed to be tried, preparing same	1 00	1 00
<i>Disbursements.</i> Postages actually paid, mileage when it is necessary to employ parties to serve writs, papers, &c., the actual number of miles travelled to perform the service, per mile, one way.	0 10	0 10
<i>N. B.</i> —No instructions to be allowed nor attendances to swear affidavits.		
Instructions for Briefs as in ordinary cases.		
Briefs per folio of original matter, when necessary	0 20	0 20
Briefs per folio of copy, when necessary	0 12	0 12

COUNSEL.

<i>Fee</i> for argument upon the return of the Writ of Sum- mons, if argued by Counsel	10 00	10 00
To be increased at the discretion of the Judge, according to the importance of the case, and not exceeding	20 00	20 00

TO THE CLERK OF THE CROWN AND PLEAS.

(To be accounted for to the Treasurer of Manitoba.)

For taking recognizance of bail	0 50	0 50
For signing, sealing, and issuing each writ of ten folios and under, including the filing of Praecept	1 00	0 50
For every concurrent alias pluries or renewed writ, ten folios and under	0 50	0 25
And for every folio above ten, per folio	0 12	0 12
For every Rule of Court of six folios and under, including the filing of motion paper	1 00	0 50
And for every folio above six, per folio	0 20	0 20
Filing each paper actually necessary to be filed, the filing of which is not included in some other item	0 15	0 10
Entering and filing each appearance paper	0 50	0 25
Amending every writ, rule, order or proceeding, per folio ..	0 30	0 20
Subpœna, including filing praecipe	0 50	0 30

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Infer Scale. \$ c.		Superior Scale. \$ c.	Infer Scale. \$ c.
1 00	Entering and filing interlocutory judgment in cases where the writ is not specially endorsed, and where it is necessary to take case down to assess damages, where by the practice such judgment may be entered	1 00	0 50
1 00	Every certificate under seal of the court, four folios and under, for every additional folio, 20 cts.	50 0	0 50
0 50	Entering final judgment including the filing of the judgment roll, but excluding other filings actually necessary	1 50	0 75
	For passing and entering for trial Nisi Prius Record	1 00	0 75
	For swearing jury in each case where it is a jury trial	0 50	0 25
0 12	For swearing each witness on a trial	0 20	0 20
1 00	For every exhibit filed on trial	0 10	0 10
	For taking and recording verdict whether the trial be by judge or jury	1 00	0 75
	For taxing every bill of costs and giving allocatur when required	1 00	0 50
0 10	And any time necessarily required beyond one hour, on any taxation per hour	1 50	1 00
	For every reference to the master in the nature of an enquiry or for examination or any special matter, not exceeding one hour	1 50	1 00
0 20	For any time in the matters last aforesaid beyond one hour —per hour,	1 50	1 00
0 12	For signing every necessary appointment (not being an adjournment of a pending matter) and noting same in his book, and including the filing of praecipe, if such be necessary,	0 30	0 20
10 00	For copy of papers filed and exemplifications under the seal of the Court, including filing of praecipe and search, per folio	0 12	0 12
20 00	Period of one year back from the time of search	0 20	0 20
	Do. for two years	0 50	0 50
	Do. a general search	1 00	1 00
	For every affidavit taken before him	0 20	0 20
	For entering satisfaction on judgment roll, and including all filings and searches	1 00	0 50
0 50	For every commission for the examination of witnesses, including the filing of order and praecipe	1 00	0 75
0 50	For receiving into Court, taking care of and paying out money, including all searches and filings and all other charges—		
0 25			
0 12	For \$100 and under	1 50	1 50
	“ above \$100 and not above \$200	2 00	2 00
0 50	“ above \$200 and not above \$400	3 00	3 00
0 20	“ above \$400 and not above \$1000	6 00	6 00
	“ above \$1000	10 00	10 00
0 10	For entering Exoneretur on bail piece, including filings	0 50	0 50
0 25	Making the necessary entry in the debt attachment book	0 50	0 25

NOTE Every item not specifically provided for shall be allowed for at a rate determined by reference to the allowance for like service in the items specially named.

Superior Scale. Infe'r Scale.
\$ c. \$ c.

TO COMMISSIONERS.

For taking recognizance of bail	0 50	0 50
For taking every affidavit	0 20	0 20

TO THE CRIER.

For calling every case with or without jury	0 75	0 50
For each witness or constable sworn in respect of a cause	0 20	0 15

TO THE SHERIFF AND HIS DEPUTIES.

(CIVIL SIDE.)

Every warrant to execute any process mesne or final when given to a bailiff	0 75	0 50
Arrest when amount endorsed does not exceed £50 (\$200)	1 50	1 50
Do. over \$200 and under \$400	3 00	3 00
Do. over \$400	6 00	6 00
Mileage going to arrest: when arrest made, per mile	0 20	0 20
Do. conveying party arrested from place of arrest to gaol, per mile	0 20	0 20
Bail bond or bond to limits	1 50	1 00
Assignment of the same	1 00	0 50
Service of process not bailable, Scire facias or writ of Revivor or other writ (including affidavit of service) each defendant	1 50	1 0
Serving subpoena, declaration, notices or other papers, besides mileage one way for each party served, including affidavit	0 75	0 50
Receiving, entering, endorsing all writs, declarations, rules, notices, or other papers to be served, etc.,	0 50	0 30
Return of all process and writs (except subpoena)	0 50	0 30
Every search not being by a party to the cause or his attorney	0 25	0 25
Certificate of result of search when required	0 50	0 50
Fee on striking special jury	6 00	6 00
Serving special jury each	0 50	0 30
Summoning special jury, each mile travelled from the Court House	0 20	0 20
Returning panel of special jury	2 00	
Mileage on service of all papers	0 20	0 20
Every jury sworn	1 50	1 00
Poundage on executions and attachments in nature of executions when the sum made shall not exceed \$400, 5 per cent.		
Do. when it exceeds \$400 and is less than \$4000, 5 per cent. for the first \$400 and 2½ per cent. for the residue.		
Do. over \$4000, 1¼ per cent. on whatever exceeds \$4000 in addition to the per centage allowed up to \$4000 in		

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Infe'r Scale. \$ c.		Superior Scale. \$ c.	Infe'r Scale. \$ c.
	lieu of all fees and charges for services and disbursements except mileage in going to seize and disbursements for advertising and necessarily incurred in the care and removal of property to be allowed by the taxing officer in his discretion.		
0 50	Schedule of goods taken in execution, including copy to defendant if not exceeding five folios	1 00	1 00
0 20	Each folio above five	0 20	0 20
	The sum actually disbursed for advertisement required by law to be inserted in the Official Gazette or other newspaper.		
	Drawing up advertisement when required by law to be published in the Official Gazette or other newspaper and transmitting the same in each case	1 50	1 50
0 50	Every notice of sale of goods in each case	0 75	0 50
1 50	Every notice of postponement of sale in each case	0 50	0 25
3 00	Executing of writ of possession or restitution besides mileage	4 00	2 00
6 00	Bringing up prisoner on attachment or habeas corpus besides travel at 20 cents per mile	1 50	1 00
0 20	Actual mileage from the Court House to the place when service of any process paper or proceeding is made per mile one way	0 20	0 20
1 00	Seizing estate and effects on attachments against an absconding debtor	2 00	1 00
0 50	Every inventory to be charged as on Executions.		
	Removing or retaining property reasonable and necessary disbursements and allowances to be made by the taxing officer or by order of the Court or judge.		
1 0	Bailiff's fee for summoning jury, mileage per mile ..	0 20	0 20
0 50	Bond to secure goods taken under an attachment if prepared by the sheriff	2 00	1 50
0 30			
0 30			
0 25			
0 50			
6 00			
0 30			
0 20			
0 20			
1 00			

NOTE.—The allowance to the Sheriff for any service not particularly mentioned, shall be regulated according to the sum allowed for the items specified. The Sheriff must use all the economy possible in the service of papers in respect of mileage by transmitting papers by post or otherwise to deputies and outer constables and bailiffs when possible, or the Master may tax down the mileage.

SHERIFF'S FEES.
(CROWN SIDE.)
(Subject to the approval of the Lieut.-Governor in Council.)

0 20	Attending the Assizes per diem	7 00
1 00	For every person discharged from Gaol, having been committed by Warrant for Trial	1 50
	Bringing up each person for arraignment, trial and sentence, in all for each Prisoner, whether convicted or acquitted	3 00
	Drawing Calendar of Prisoners for trial at the Assizes, including copies	6 00
	Every annual or general return required by Law, or by the Government, respecting the Gaol or the prisoners therein, if required by the Government	10 00

	\$	c.
Every other return made to the Government when required ..	5	00
Every other required by Law	4	00
Drawing Calendar of Prisoners in Gaol and on Bail for trial at the Court of Oyer and Terminor and general gaol delivery .. .	4	00
Conveying Prisoners to the Penitentiary or Reformatory (exclusive of disbursements) for each day necessarily employed .. .	8	00
Arrest of each individual upon warrant, to be paid out of the Public Funds, or by the party (as the case may be) .. .	2	00
Serving Subpoena upon each person to be paid out of the Public Funds, or by the party (as the case may be) .. .	1	00
Travelling in going to execute warrant or serve subpoena, 20 cents per mile, and the same charge per mile actually travelled in returning with a prisoner. When the service has not been effected the Treasurer to be satisfied that due diligence has been used, to be paid at a reasonable rate out of the Public Funds or by the party (as the case may be)		
Conveying prisoners on attachment, Judge's Order or Habeas Corpus, exclusive of disbursement actually made, when no charge by Law is allowed for each day necessarily employed, to be paid out of the Public Funds, or by the party (as the case may be) .. .	7	00
Making Return upon attachment or Writ of Habeas Corpus, to be paid out of the Public Funds or by the party (as the case may be)	3	00
Levying fines or issues on recognizances estreated or other process, the same allowance as on executions in Civil proceedings.		
Carrying into execution the sentence of the Court in Capital Cases; all such sums as shall be unavoidably disbursed, to be taxed by the Master or Treasurer	20	00
Summoning each Constable to attend the Assizes, mileage in serving one way 20 cents per mile .. .	1	00
Keeping a Record of Jurors who have served each Court .. .	4	00
All disbursements actually and necessarily made in guarding Prisoners, or in their conveyance, to be allowed for, but to be rendered in account in detail with proper vouchers to the satisfaction of the Treasurer.		

***Summoning Grand and Petit Jurors for each Court.**

** The allowance in the old tariff for this service was \$200; whether that is too much or too little the data are not at hand to determine. It may for aught that is known be a fair sum for the service. But it would be more business like to pay a fair mileage for serving the jurors and a certain sum for the precepts and returns; this latter service is allowed in Ontario for Grand Jury \$12 and Petit Jury \$24.*

TO THE CRIER.

(Subject to the approval of the Lieut.-Governor in Council.)

Attending in Court per day during the trial of criminal business ..	1	00
Each proclamation .. .	0	25
Each Jury sworn .. .	0	50
Calling each person on bail .. .	0	25
Calling each defendant or plaintiff when necessary .. .	0	25
Swearing each witness .. .	0	10
Each constable sworn .. .	0	20

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PROBATE.

The following fees shall be taken for proceedings in probate, and no other charges shall be allowed to be taken by the Master for duties and services under the Act, in respect to non-contentious business :

\$ c.		\$ c.
5 00	Receiving and entering application for probate or administration ...	0 50
4 00	Preparing all the necessary affidavits in a matter of probate or administration if prepared by him	2 00
4 00	Every bond on administration or otherwise, with affidavit of sufficiency, if prepared by him	2 00
8 00	Preparing instrument of renunciation with affidavit of execution, if necessary, and if prepared by him	2 00
2 00	On every grant of probate or administration, and entering the same in Register Book, as follows :	
1 00	Where property devolving is under \$1200	2 00
	" " " from \$1200 to \$4000	3 00
	" " " from \$4000 to \$8000	4 00
	" " " above \$8000	6 00
7 00	Recording will, per folio	0 15
3 00	For probate or administration issued under seal of Court, (If special, may be charged at 15 cents per folio on order of the Judge).	1 00
	Transcript of will, in addition, per folio	0 15
	Certified copy of will, when required	0 15
20 00	Drawing special orders or other instruments directed by the Judge, per folio	0 15
1 00	Taking every affidavit	0 20
4 00	Attending and entering every order made, or proceeding had, on a special attendance, or attendance for audit by Judge	1 00
	Every summons, citation, or other process issued under seal of the Court	1 00
	If over three folios, in addition, per folio	0 15
	Filing caveat	0 25
	Warning to a caveat, and noting same	0 20
	Receiving and entering bond on appeal	0 50
	For search by a party in the Registry	0 20
	For looking up original will or instrument, and inspection	0 40
	Every certificate of search or extract	0 75
	If over three folios, in addition, per folio	0 20
	Exemplification under seal of Court	1 50
	If exceeding five folios, per folio	0 15
1 00	For depositing every will of a living person for safe custody, including a deposit receipt	1 00
0 25	For taxing costs, and granting certificate	0 75
0 50	(No fee allowed for filing papers in non-contentious business).	
0 25	<i>To be taken by Attorneys in respect to Business and Services under the Act in non-contentious cases.</i>	
0 10	Consulting fee	1 50
0 20		

	\$ c.
Preparing all necessary papers and proofs, and passing Probate or Administration through Court in ordinary cases, including petition, affidavits and bond, as follows:—	
Where property devolving is under \$1200	6 00
“ “ “ from \$1200 to \$4000	8 00
“ “ “ from \$4000 to \$8000	12 00
“ “ “ over \$8000	14 00
(In case of limited or other special grant, an additional sum, not exceeding \$4.00 may be allowed on order of Judge.)	
For every necessary attendance before Judge when matter special ..	1 00
(No allowance for ordinary attendances in common form business.)	
Affidavits to lead to citation and affidavits other than those to lead to grant—each	1 00
If over three folios, per folio additional	0 15
Fee on subpoena to bring in script, and on citation or other instrument under seal of Court	1 00
Preparing caveat and entering same	2 00
Attending and giving written instructions for warning caveator ..	1 00
Preparing bond on appeal, with affidavit of execution, and affidavit of justification	3 00
Notice of appeal, copy and service	1 00
Bill of costs	1 00

NOTE.—Sheriff's fees for any services in probate shall be the same as in like cases in actions at law.

Fees to be taken by the Clerk of the Crown and Pleas and accounted for to the Treasurer of the Law Society, to provide suitable accommodation for the Court and a Library.

(Subject to approval by the Lieut.-Governor in Council.)

For every writ	0 50
For every verdict	0 50
For every judge's order or fiat	0 20
For every Rule of Court	0 50
For every Rule of reference	0 50
For every recognizance of bail filed	0 50
For every subpoena	0 50
For every judgment signed, intestventory or final	0 50
For every affixed affidavit filed	0 10
For every judge's summons	0 20
For every return or report of every reference to the master, as enquiry, examination of parties, witnesses or otherwise, under a Rule of Court or judge's order	0 50
For every cognovit or confession of judgment filed	0 50
For every exemplification under the seal of the Court	0 50
For every petition filed for letters of administration or probate ..	0 50
For every instrument or process having upon it the seal of the Court ..	0 50
For every grant of administration or probate as follows:—	
Where the property devolved is under \$1200	3 00
do. do. above \$1200 and below \$4000	5 00
do. do. above \$4000	10 00

I. Under and by virtue of an Indenture, etc., (*avoiding the commencement of paragraphs with the word "That," and dividing and numbering the bill into paragraphs.*)

13. For practice and procedure, and the forms thereof, recourse shall in all cases not specially provided for by the rules or orders of this Court, be had to the practice and procedure and the forms thereof in force in the Court of Chancery in England, except as modified, changed or altered by the general orders of the Court of Chancery for Ontario, published and known as "TAYLOR'S CONSOLIDATED CHANCERY ORDERS," that is to say :—

I. PRELIMINARY—Orders 6 and 7.

II. OFFICERS OF THE COURT—Orders 8, 9, 10, 11, 12, 13, 23, 24, 25, 29, 30, 31, 32.

III. SOLICITORS AND PARTIES ACTING IN PERSON, AND SERVICE ON THEM RESPECTIVELY—Orders 40 to 52 inclusive, except 42.

IV. PARTIES—Orders 53 to 65 inclusive.

V. PLEADINGS AND WRITTEN PROCEEDINGS GENERALLY.—Orders 66 to 78 inclusive.

VI. BILLS—Orders 74 to 85 inclusive.

VII.—SERVICE OF BILLS—Orders 86 to 103 inclusive.

VIII. TAKING BILLS PRO CONGRESSO—Orders 104 to 119 inclusive.

IX. DEMURRERS—Orders 120 to 121 inclusive.

X. ANSWERS—Orders 122 to 133 inclusive.

XI. PRODUCTION OF DOCUMENTS—Orders 134 to 137 inclusive.

XII. EXAMINATION OF PARTIES—Orders 138 to 148 inclusive.

XIII. REPLICATION JOINING ISSUE—Orders 149 to 155 inclusive.

XIV. NOTICE ADMIT—Orders 156 and 157.

XV. SETTING DOWN AND HEARING—So much of the orders under this head as are applicable to the circumstances of the constitution of the Court and the country.

XVI. DECREES AND ORDERS—Orders 185, 186, 187, 188, 189, 190, 191, 194, 195, 196.

XVII. CHAMBERS—Orders 197 to 210 inclusive.

XVIII. MASTER'S OFFICE—Orders 211 to 257 inclusive.

XIX. AFFIDAVITS—Orders 258 to 261 inclusive.

XX. MOTIONS AND PETITIONS—Orders 262 to 277 inclusive.

XXI. RECEIVERS. Orders 278 to 283 inclusive.

XXII. INJUNCTIONS—Orders 284, 285.

XXIII. STOP ORDERS—Orders 286, 287.

XXIV. PROCESS—Orders 289 to 303 inclusive.

XXV. COSTS—Orders 304, 305, 306, 307, 308, 314, 315, 316, 317, 318, 319, 320, 321.

XXVI. PROCEEDINGS TO REVISE, ALTER, OR EXPLAIN DECREES AND ORDERS—Orders 322 to 236 inclusive.

XXVII. REVIVOR AND SUPPLEMENT—ORDERS 237 to 351 inclusive.

XXVIII. PAYMENT OF MONEY INTO AND OUT OF COURT—All the orders under this head in so far as they can be made applicable to the Court and the circumstances of the country, the master of the Court to stand for the officers of the court mentioned in these orders and in all other orders.

XXIX. SALES—Orders 374 to 397 inclusive.

XXX. EXAMINATION PRO INTERESSE SUO—Orders 398 to 401 inclusive.

XXXI. COPIES—Orders 402 to 405 inclusive.

XXXII. TIME—406 to 412 inclusive.

XXXIII. SITTINGS OF THE COURT.—The Court will sit for the hearing and re-hearing of causes, demurrers, motions and petitions at such times as shall from time to time be appointed.

XXXV. MORTGAGE SUITS—Orders 426 to 466 inclusive.

XXXVI. ADMINISTRATOR'S SUITS—Orders 467 to 487 inclusive.

XXXVII. ALIMONY SUITS—Orders 488 to 491 inclusive.

XXXIX. INFANTS AND PERSONS OF UNSOUND MIND—Orders 517 to 537 inclusive.

XL. MISCELLANEOUS—Orders 538, 539, 540, 541, 543, 546.

XLI. SUPPLEMENTARY ORDERS—Orders 547, but varied so as to read: "need not be certified at all." 548, 549.

DECLARATORY ORDERS, 17TH OCTOBER, 1868—Orders 550, 551.

14. The following costs shall be allowed, and no others, except by order of the master or a judge :—

TO COUNSEL AND SOLICITORS (AS THE CASE MAY BE).

On argument in Chambers, in cases proper for the attendance of counsel (to be increased in the discretion of the Master not beyond \$10, to be marked at the time)	2 00
Fee on settling pleadings, petitions, revivors, replications (when special), and advising whether cause should be heard on bill and answer, or on motion for decree, or set down for examination and hearing, and advising on evidence (to be increased in the discretion of the Master to not exceeding \$10)	2 00
On special applications to the Court only, to be increased in the discretion of the Master only to	5 00
Arguing demurrer or other special argument, or at the hearing of the cause, only to be increased in the discretion of the Master . . .	10 00
Fee on drawing and settling allegations in <i>procipe</i> for revivor in special cases, proper for the opinion of counsel, (to be increased in the discretion of the Master to not exceeding \$5)	2 00

	\$ c.
Fee to be allowed on settling special affidavits used in Court, (to be increased at the discretion of the Master to a sum not exceeding \$5)	2 00
On special and important points, and matters requiring the attendance of counsel, the Master may, in lieu of the fees for attendance, allow a counsel fee when counsel attend the same, to be noted at the time, not to exceed	10 00
Fee on consultations	5 00

INSTRUCTIONS.

Instructions for suit, or to defend, in mortgage or other ordinary suits or matters	3 00
In special suits or matters	4 00
For petition, or to oppose petition, when no bill filed	2 00
To be increased in special cases in Master's discretion to a sum not exceeding	4 00
For such important step or proceeding in the suit as the Master is satisfied warrants such a charge	2 00
For special affidavits when allowed by the Master	1 00
Instructions for brief	1 00

PLEADINGS.

Drafting bill not exceeding 20 folios, including copy to keep	4 00
For every additional folio above 20 to be allowed in the discretion of the Master	0 20
Drafting answer or other pleading, petition or proceeding, per folio	0 20
Fee to plaintiff's solicitor perusing answer	1 00

AFFIDAVITS.

Drafting affidavits, per folio	0 20
Affidavit of service including attendance to swear, copy and oath	1 00
Perusing copies of affidavits filed or served by the opposite party, per folio	0 05

COPIES.

Engrossed copies to file, copies to serve, per folio	0 12
Copies or order or other documents required to be served, per folio	0 12

BRIEFS.

Brief, per folio, including briefing and fair copy of pleadings, depositions, affidavits, and necessary documents, subject to be reduced by the Master if the same contain superfluous matter or be of unnecessary length, or if the dates thereof be omitted	0 12
Observations or other original matter in brief, per folio	0 20

\$ c.

ORDERS.

\$ c.

2 00	Drawing special minutes per folio prepared by the Solicitor... ..	0 20
	Appointment to settle or pass decree or order, copy and service... ..	0 80
	[When served on more than one party, the extra copies and services are to be allowed.]	
10 00		
5 00	For every hour's attendance before the Master, by his appointment, on settling minutes, or passing decree or order, if noted by the Master or otherwise proved... ..	1 00
	The fee on settling minutes and passing decree or order, may be increased in the discretion of the Master in special cases to a sum not exceeding \$5, where the solicitor attends personally on such settling or passing. When the minutes are settled or decrees, or orders passed between the solicitors, the Master shall have the discretion as to the amount to be allowed. Fee on all decrees and orders to the party obtaining the same ...	
3 00		1 00
4 00		
2 00		
4 00		1 00
	Fee on <i>præcipe</i> decree	4 00
2 00		
1 00		
1 00		

PROCESS.

	<i>Præcipe</i> for any process, including attendance with... ..	0 70
	Fee on all writs to the party obtaining the same	1 00
4 00		

SALES.

0 20	Drawing advertisement for the sale of real or personal estate under the direction of the Court, including all copies except for printing	2 00
0 20	And for each folio over five, per folio	0 20
1 00		
	[To be increased in the discretion of the Master to a sum not exceeding \$10 when special information has been procured for the purpose of the sale.]	
0 20		
1 00		
	Copies for printing, per folio	0 10
	Attending and making arrangement with Auctioneer	1 00
0 05	Each attendance on printer	0 50
	Revising proof	1 00
	Fee on conducting sale when held where solicitor resides	5 00
	Fee on conducting sale, besides all necessary travelling expenses where solicitor attends with the approval of the Master previously given	10 00
0 12		
0 12	If the solicitor is engaged for more than three hours for every hour beyond that time	1 00
	If the sale occupies more than one day, the Master may allow to him, in addition to his travelling expenses, <i>per diem</i> , a sum not exceeding	20 00
	The Master may also allow to one other party to the suit his fees and expenses for attending sales, if in his opinion it is necessary or proper that he should attend.	
0 12		
0 20		

ATTENDANCES.

	\$	c.
Attendance on Master's warrant or appointment, or on examination of witnesses, per hour	1	00
To be increased in the discretion of the Master to	2	00
[On special and important points and matters requiring the attendance of counsel, the Master, may, in lieu of the fees for attendance, allow a counsel fee, when counsel attend the same, to be noted at the time, not to exceed	10	00
Solicitor's attendance in Court, or hearing of cause, demurrers, or special motions, for each hour occupied in the hearing thereof ..	2	00
Attending consultations of counsel, per hour, where the Master is satisfied such attendance is beneficial to the client	2	00
Attendance on taxation, per hour	1	00
[On revision of taxation the same fees are to be allowed as on taxation.]		
Every necessary attendance	0	50
Attending to make each copy of Bill, not exceeding five, an office copy	0	50

LETTERS.

Letters to each defendant before suit	0	50
Common letters in suit, each	0	50
Common letter between solicitor and client	0	50
With power to the Master in both cases to increase the fee for special letters to an amount not exceeding	2	00
(No letter is to be allowed unless the Master is satisfied of its necessity)		
Necessary agency letters in the course of a cause or matter to be allowed on taxation between party and party as necessary attendances.		
Postages, the amount actually disbursed.		

MISCELLANEOUS.

Drawing bill of costs, including copy to keep, per folio	0	20
Copy to serve, per folio	1	12
Statement of issues in Master's Office, when required by the Master	0	20
And for each folio over five, per folio	0	20
Fee thereon, in the discretion of the Master	2	00
Where it has been satisfactorily proved that proceedings have been taken by solicitors out of Court to expedite proceedings, save costs, or compromise suits, an allowance is to be made therefor in the discretion of the Master.		
Drawing Judge's appointment, and attendance for his signature, and to serve	1	00
When served on more than one party, the extra copies and services to be allowed.		
<i>To be taken by the Master and to be accounted for the Treasurer of Manitoba.</i>		

\$ c.		\$ c.
	Every summons or warrant	0 30
1 00	Administering oath, or taking affirmation	0 20
2 00	Marking every exhibit.	0 20
	Drawing depositions, reports or orders, per folio .. .	0 20
	One fair copy when necessary, per folio .. .	0 10
	Copy of papers given out when required, per folio .. .	0 10
10 00	Every attendance upon a reference .. .	1 00
	For each additional hour	1 00
2 00	Every certificate	0 50
	Filing each paper	0 10
2 00	Taxing costs, including attendance, one hour and under .. .	1 00
1 00	Every additional hour	1 00
	Every special attendance out of office, within two miles .. .	1 00
	Every additional mile above two	0 20
0 50	Reading affidavit—per folio	0 20
	Matter added—per folio	0 20
0 50	Searching files in office.	0 20
	Drawing minutes of decree or special order—per folio .. .	0 20
	Drawing decree or order—per folio	0 20
	Entering same—per folio	0 12
0 50	Fee on payment of money into Court.	0 30
0 50	Fee on payment of money out of Court	0 30
0 50	Fee on admission of Solicitor	1 00
	Commission appointing Special Examiner	2 00
2 00	Attendance on appointment of guardian	0 50
	On every application in Chambers (including the order thereon, if made,) for a decree against infants, for the administration of an estate, for the sale of an infant's estate, to declare a person a lunatic, for <i>interim</i> alimony, for a vesting order, for final order of foreclosure or sale, for foreclosure after abortive sale, to extend time for payment of mortgage money, or for taxation	1 00
	On every other application (including the order thereon, if made)	0 50
0 20	Entering parties' names, and filing bill, answer or demurrer. . .	0 50
1 12	Entering and filing all other pleadings, interrogatories and depositions, or other evidence	0 20
0 20	Filing and registering affidavits, exhibits, or other papers .. .	0 10
0 20	Entering note <i>pro confesso</i>	0 50
2 00	Subpœna, including filing <i>pro cipe</i>	0 50
	Special writ, writ of commission	1 00
	Office-copy of papers required to be given out—per folio .. .	0 12
	Examining and authenticating same, when office-copy prepared by Solicitor—every three folios	0 50
	Amendment of record, when re-engrossment not necessary—per folio .. .	0 20
1 00	Setting down cause, other than for hearing <i>pro confesso</i>	2 00
	Setting down cause <i>pro confesso</i>	0 50
	Certificate of pleadings being filed	0 40
	Certificate of state of cause	0 50
	Searching files in office.	0 20

NOTE.—To the Sheriff like fees and allowances as in similar cases at law.

TO THE LAW SOCIETY.

To be taken by the Master and accounted for to the Treasurer of the Law Society to provide accommodation for the Court and a Library.

(Subject to the approval of the Lieut.-Governor in Council.)

On filing every bill or amended bill	\$ c.
On passing and entering every decree or decretal order	2 00
On every certificate and every writ, including subpoena, issued under the seal of the Court	1 00
	0 50

TO THE SUITOR'S FUND.

To be taken by the Master and accounted for to the Court to pay the expenses of protecting infants, &c., in certain cases.

On every bill, answer, demurrer and decree	0 20
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15. The Clerk of the Court may be styled in any proceedings, and in signing his name to any writ, proceeding, or matter requiring his signature he may style himself, indifferently the Prothonotary, Master, or Clerk of the Crown and Pleas; and any of the said designations used in these rules, and in, or to any writ, proceeding or matter shall be valid, and shall mean the Clerk of the Court of Queen's Bench for Manitoba; and the said Clerk shall possess and exercise all the powers, privileges and authorities, and perform and discharge all the duties appertaining and incident to the Clerk of the Crown and Pleas, the Master and Registrar in the Superior Courts of Law, Equity and Probate in England, in addition to any other duties (if any there be) imposed upon him by rule or order of Court or by act of the Legislature; and the said Clerk shall be responsible for the safe keeping of all records and papers of the Court, and for the conduct, state, and management of all business in his office, and he shall have power, and he is hereby authorised from time to time to make such rules and regulations, and from time to time to alter, repeal or vary the same as in his judgment shall best conduce to the simplification and despatch of all business in his office. Such rules and regulations to be subject to the approval of any two of the judges of whom the Chief Justice shall be one.

16. A Nisi Prius record may be passed at any time after issue joined within seven days before the day of the sitting of the Court of Nisi Prius; but all Nisi Prius records shall be entered for trial only on the first day of the sitting of the said Court between the hours of nine o'clock in the morning and twelve o'clock noon, without a judge's order, and during the time last aforesaid the clerk shall, by himself or his clerk, be in attendance in his office to enter records for trial.

17. All rules or orders heretofore made in this Court are hereby superseded.

COUNTY COURT.

1. Hereafter no formal statement of the cause of action shall be necessary in the County Court, but every plaintiff when he enters an action with the clerk shall leave with him (which may be done by post) a simple statement in writing of the cause of action; in the case of an account the particulars of the demand may be in the usual form of an account or otherwise; in the case of a trespass or a wrong, a like simple statement of the trespass or wrong complained of, with the amount of damages claimed; and in the case of a claim under a written instrument, as a note, bill, bond, covenant or contract, the original instrument with a copy of the statement or the purport or effect of it to the extent of exhibiting the ground of action, so that in each of the foregoing cases it may be known and understood by a person of ordinary intelligence what the action is brought for; and the clerk shall indorse on or attach to the writ of summons the original demand or a copy thereof, and on each copy of the writ of summons a copy of the said demand.

2. In actions where the demand is an account or is ascertained by some instrument signed by the defendant as a note, bill, bond, covenant or other memorandum in writing, and the defendant does not appear according to the exigency of the said writ, the clerk may forthwith enter up judgment against the defendant for the amount of the said demand and costs, and issue execution thereon without any further proof of the correctness of the said demand except the default of the appearance of the defendant according to the said writ.

3. If the defendant disputes the right of the plaintiff to recover in any action of the class of those mentioned in rule 2, he must cause a written statement to the following effect to be filed for him with the clerk before the entry of judgment, namely:—

"John Brown against John Smith.	}	"In the County of _____ The plaintiff's demand is disputed. JOHN SMITH."
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And the case shall then be brought on to trial in due course. And in cases of set-off or payment the defendant must in some way let the plaintiff know, a reasonable time before the trial of the case, the nature and particulars of such set-off or payment.

4. In actions other than those mentioned in Rule 2, appearance and plea *may* be entered but *shall not be necessary*, and they shall, without any appearance or plea be brought to trial as though appearance and plea had been entered.

5. After the tenth day of February, A. D. 1875, the following allowances and no other shall be taken by and allowed to the clerks of the said Court and be taxed in actions.

	\$	c.
Receiving and filing demand and entering the same in docket ..	0	25
Every writ of summons	0	40
Copy for each defendant	0	20
Every copy of demand	0	15
Every original subpoena	0	50
Every copy	0	10
Entering appearance and dispute of defendant	0	25
Receiving the writ of summons on return and filing the same ..	0	20
Hearing fee in contested cases where the recovery is \$50 or under ..	1	00
Above \$50 and under \$100	1	50
Above \$100	2	50
Recording every judgment where the recovery is \$50 or under ..	0	25
Above \$50 and under \$100	0	50
Above \$100	0	75
[The last three items to include taxation of costs and all other services.]*		
Filing every exhibit directed to be filed on the trial of a cause ..	0	10
Every reference, enquiry or examination referred to the clerk per hour	1	50
Putting the seal of the court to any document not being a writ ..	0	50
Every search (except by a party to the cause)	0	20
Exemplification or copies or certificate of proceedings per folio ..	0	12
Taking every affidavit	0	20
Per dollar on payment of money into court	0	02
For every writ of execution, including all necessary statements and endorsements and the delivery of same to the sheriff and receiving the return thereof, and taking charge of and sending by post the money returned on the writ or paid on account of action, to the party entitled to the same (charge to be made to party to whom money is sent \$0.50)	1	00

ALLOWANCE TO BE MADE FOR SERVICE OF PROCESS.

Every necessary mile travelled in serving writ of summons per mile one way	0	20
Fee on service, including affidavit of service, oath if necessary, and return to the clerk	1	00

[Poundage and attendances on executions to the parties to whom the same are directed the same as the "Inferior Scale" to the Sheriff in the table of fees in the Queen's Bench.]

* NOTE.—Where the recovery is on a money demand, arising *ex contractu*, *debt* or *assumpsit*, and the recovery shall not exceed \$20, the clerk shall be entitled to the charges above enumerated not to exceed in all \$1.75 excluding subpoenas.

NOTE.—The Clerks must in all cases use the utmost economy in getting the process of the Court served and executed by transmitting the same by post and otherwise to be served or executed and returned in the same manner; and in no case to allow for mileage where it might have been lessened or saved only such a sum with service or execution by the means aforesaid might have been effected; and in all cases where applications are made for new trials, the papers should be transmitted by post.

6. No fee or allowance shall be taxed to any attorney or counsel in any action in the County Court, except in contentious or disputed actions the judge may on the trial of any cause allow an attorney or counsel to be taxed in the cause such trial fee as he shall think fit and proper under the circumstances, in no case to exceed \$10.

E. B. WOOD, C. J.

J. C. MCKEAGNEY, J.

LOUIS BETOURNAY, J.

allowances
the said

\$ c.
0 25
0 40
0 20
0 15
0 50
0 10
0 25
0 20
1 00
1 50
2 50
0 25
0 50
0 75

0 10
1 50
0 50
0 20
0 12
0 20
0 02

1 00

0 20

1 00

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