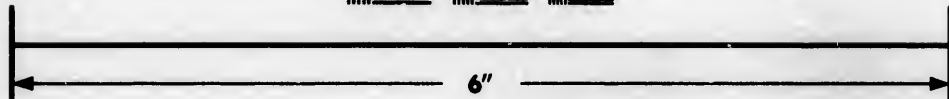
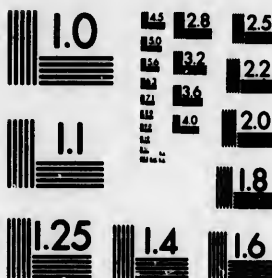


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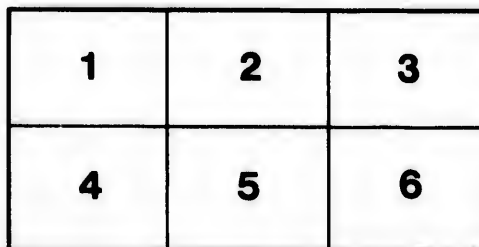
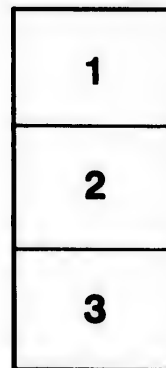
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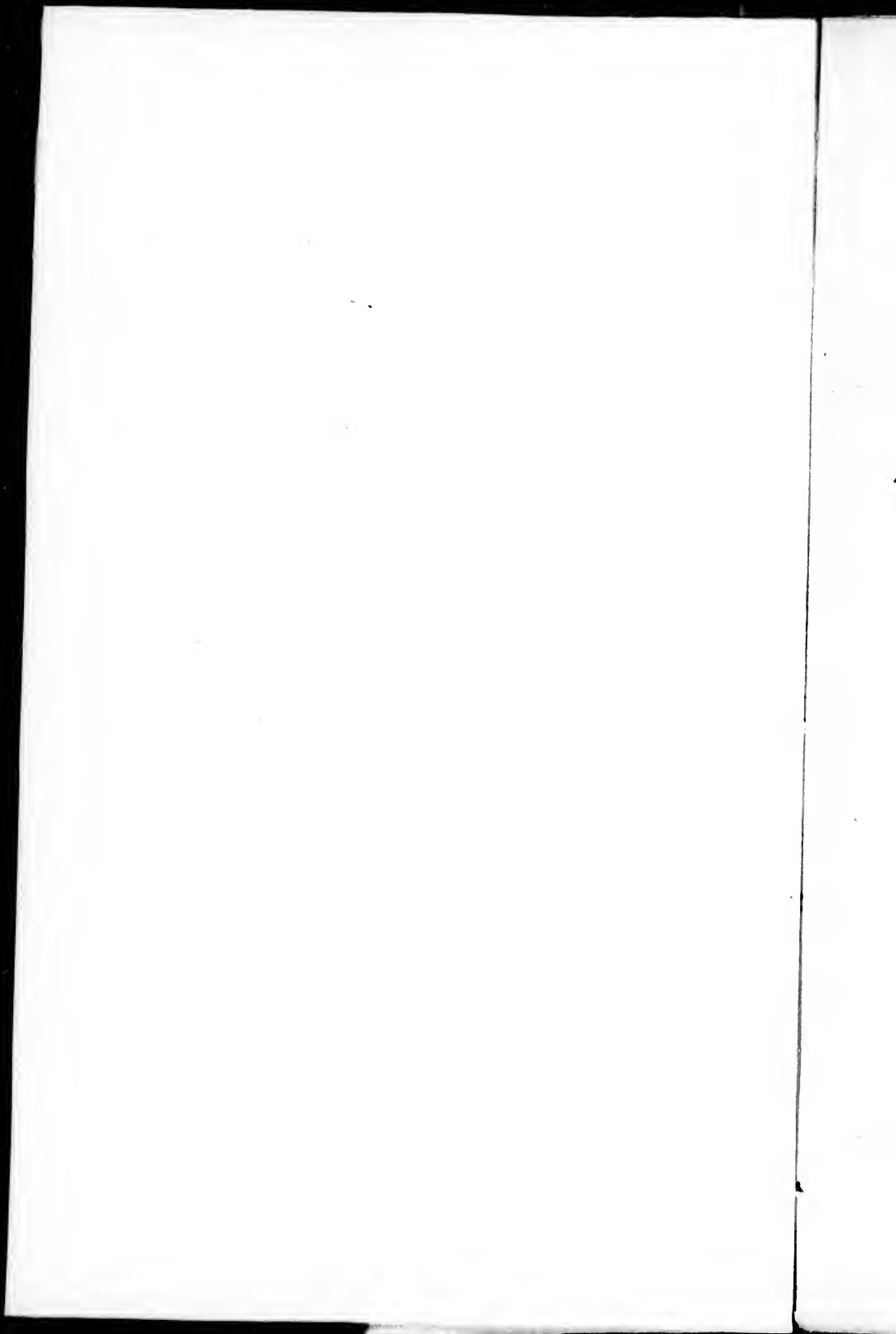
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AN
ANALYTICAL INDEX

TO

THE ACT, 16TH VICTORIA, CAP. 194,

AMENDING THE ACT, TO AMEND THE LAWS, RELATIVE TO THE

Courts of Original Civil Jurisdiction

IN LOWER CANADA,

BY

AN ADVOCATE.

Montreal:

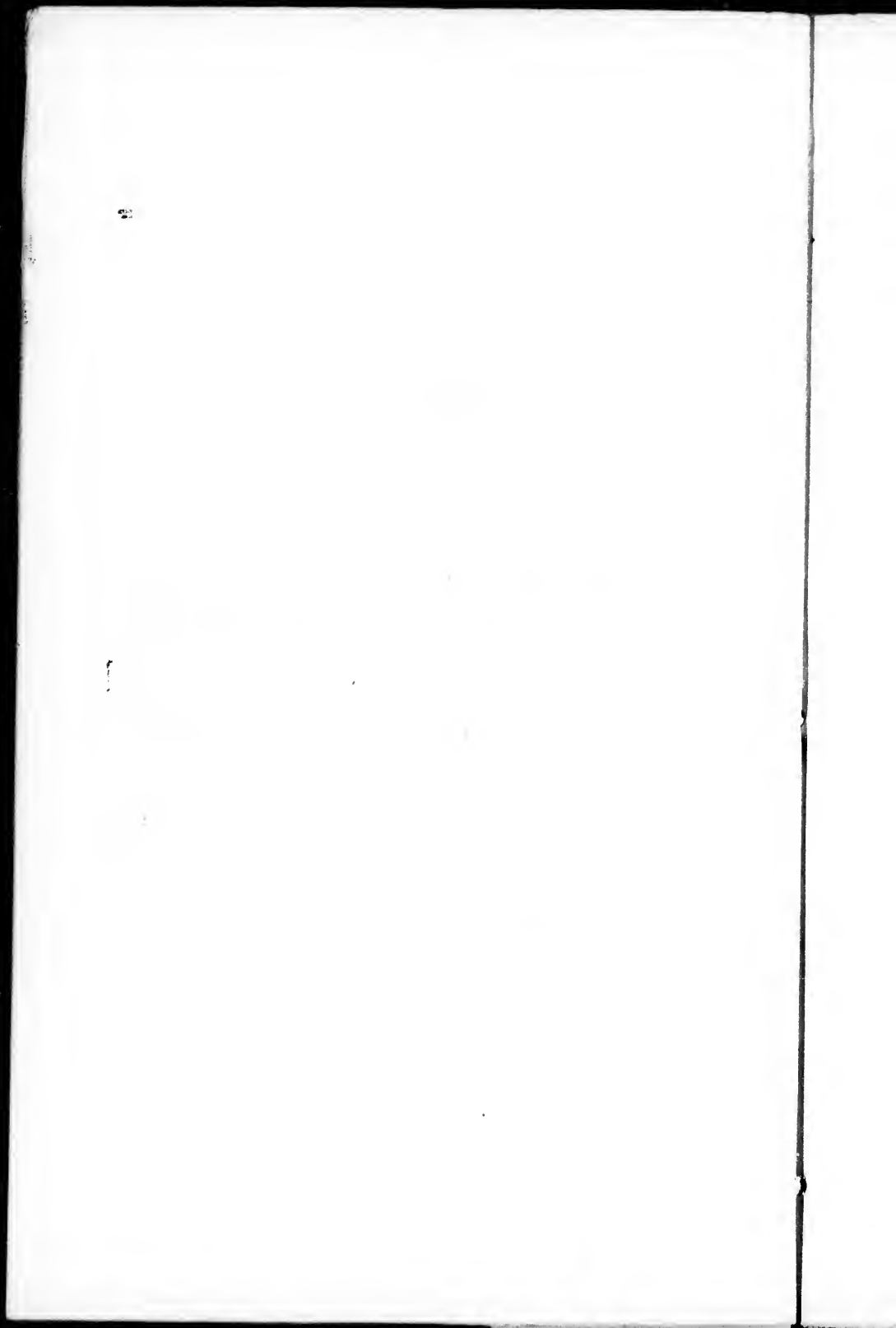
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1853.

PREFACE.

The becoming familiar, with the recent emendatory Judicature Act, will, it is trusted, be assisted by the present analysis, while, a means of ready reference to its provisions, will at the same time be afforded to the profession.

M.

Montreal, July, 1853.



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The following table selected from the "Table of Fees," which were in Force in the Court of King's Bench,

The following table selected from the "Table of Fees," which were in Force in the Court of King's Bench, showing the Fees now payable to the Prothonotaries will be useful for reference, the former table not now being generally accessible.

TABLE OF THE FEES ALLOWED TO THE PROTHONOTARIES.

UNDER THE ORDER OF 20TH OCTOBER, 1842, AND IN FORCE TILL ALTERED.

	1st CLASS, Above £100 Currency.		2d CLASS, Above £30 and under £100 Sterling and under £30.		3d CLASS, Above £20 Sterling and under £30.	
	Prothonotary.	£ s. d.	Prothonotary.	£ s. d.	Prothonotary.	£ s. d.
1st CASE.						
In each and every cause or action personal, in which the <i>demande</i> shall be made for any specific sum of money or for any other matter or thing which shall amount to the several sums, as herein classed, and in each and every cause or action personal, in which the <i>demande</i> shall relate to any other matter or thing, and also be made for any specific sum of money, and the value of such matter or thing, and of such specific sum of money so demanded or the value of either of them, shall amount to, and not exceed the several sums, as herein classed, and the Defendant shall appear and final judgment shall be entered, &c.		*3 0 0		*2 10 0		*1 10 0
3d CASE.						
In each and every cause, as above described, and as herein classed, which (the Defendant having appeared,) shall be settled at any period after the return of process <i>ad respondendum</i> , and before <i>contestation en cause</i> , &c.		*1 10 0		*1 5 0		*1 0 0
4th CASE.						
In each and every cause, as above described, and as herein classed, which (the Defendant having appeared,) shall be settled at any period after <i>contestation en cause</i> , and before final judgment, &c.		*3 0 0		*2 10 0		*1 10 0

*These fees are payable half by the Plaintiff and half by the Defendant.

	1st CLASS, 2d CLASS, 3d CLASS,		Above £30 Sterling, and		Above £20		Sterling, and		under £30,			
	Currency.		£ 100		and under		£ 100		under £30.			
	Protho-	Protho-	Protho-	Protho-	Protho-	Protho-	Protho-	Protho-	Protho-	Protho-		
	no-	no-	no-	no-	no-	no-	no-	no-	no-	no-		
	ta-	ta-	ta-	ta-	ta-	ta-	ta-	ta-	ta-	ta-		
	ry.	ry.	ry.	ry.	ry.	ry.	ry.	ry.	ry.	ry.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
5th CASE.												
In each and every cause, as above described, and as herein classed, in which the Defendant shall not appear, and final judgment shall be entered by default, or in which the Defendant having appeared, shall confess judgment, without filing any exception or <i>défense au fond</i> ,.....	2	0	0	1	5	0	0	17	6	0	17	6
6th CASE.												
In each and every cause, as above described, and as herein classed, which (the Defendant not having appeared) shall be settled at any period after the return of process <i>ad respondendum</i> and before the benefit of the defaults shall be allowed,.....	1	5	0	0	17	6	0	10	0	0	10	0
7th CASE.												
In each and every cause, as above described, and as herein classed, which (the Defendant not having appeared,) shall be settled at any period after the benefit of the defaults allowed and before final Judgment,.....	1	15	0	1	0	0	1	0	0	0	17	6
In every cause whatsoever, in which <i>fius de non proceder</i> shall be filed, &c., in addition to the foregoing,.....	0	8	4	0	8	4	0	8	4	0	8	4
In every cause whatsoever, in which a trial by Jury shall be ordered, &c.,.....	1	0	0	1	0	0	1	0	0	1	0	0
For all the proceedings upon a Writ of Error, <i>Certiorari</i> , <i>Mandamus</i> , <i>Prohibition</i> , <i>quo Warranto</i> , or attachment which shall not be settled before the motion to file such writ,.....	1	3	4									
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For every Opposition filed which shall not be contested,.....	0	11	8									

motion to file the same,	0	6	8
For every Opposition filed which shall not be contested,	0	11	8

	Prothono- tary.		
	£	s.	d.
For all the proceedings upon an Opposition not contested and <i>collocated au Marc la Livre</i> or dis- missed,	0	5	0
For prosecuting to judgment a report of distribution or of collocation which shall not be contested, ..	0	13	4
For all the proceedings upon a contestation of a report of distribution or of collocation which shall not be withdrawn before the inscription of such contestation upon the Roll for hearing,	0	13	4
For the like if withdrawn before the inscription upon the Roll for hearing,	0	2	0
For all the proceedings upon a <i>Commission Rogatoire</i> , or Commission in the nature of a <i>Commission Rogatoire</i> ,	0	3	4
For the examination on a <i>Commission Rogatoire</i> of each witness,	0	3	0
Upon every re-argument of a cause,	0	5	0
For all the proceedings in a case of licitation of one <i>héritage</i> or more,	2	6	8
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For every Writ of Summons, or <i>Subpena</i> issued, including all matters incident thereto,	0	3	0
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For every search of Records of one year or less,	0	1	0
For every general search,	0	2	6
For every copy of papers not exceeding four folios of one hundred words each,	0	2	0
For every folio of one hundred words, in such copies beyond four folios, and registering,	0	0	6
For every official certificate,	0	1	0
For every record transmitted to the Court of Appeals, the making up thereof, transmitting, &c., return, &c.,	1	3	4

	Prothonotary.		
	£	s.	d.
For the Bond thereon,.....	0	5	0
For the Transcript of the proceedings per folio of one hundred words,.....	0	0	6
For every <i>Acte de Avis de Parents</i> , the copy thereof, and all proceedings thereon, the depositions of witness at 3s. excepted,.....	0	6	0
For every entry of an inventory and closing the same,	0	5	0
For every attendance out of the Office,	0	5	0
For every attendance at the Examination of a Candidate, 6s 8d, Certificate 3s 4d, Advertisement, 3s. 4d,	0	13	4
For poundage upon monies paid into Court, for the first hundred pounds, 20s, and for money above 10s. per cent.....			
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1st When the Defendant shall have appeared and final Judgment shall be entered, there shall be allowed,.....	5	0	0
2d. When the cause shall be settled, after the Return of the Process <i>ad Respondendum</i> , and before contestation <i>en cause</i> , the Defendant having appeared,.....	2	10	0
3d. When the cause shall be settled after contestation <i>en cause</i> and before final Judgment, the Defendant having appeared,.....	5	0	0
4th. When final Judgment shall be entered by default or fore-closure, or upon confession,.....	2	10	0
5th. When the cause shall be settled, after the Return of the Process <i>ad Respondendum</i> , and before the benefit of default obtained, the Defendant not having appeared,.....	1	10	0
6th. When the cause shall be settled, after the benefit of Default obtained and before final Judgment, the Defendant not having appeared.....	2	10	0

the benefit of default obtained, the Defendant not having appeared,..... 1 10 0
 6th. When the cause shall be settled, after the benefit of Default obtained and before final Judgment, the Defendant not having appeared,..... 2 10 0

	Prothonotary.
	£ s. d.
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In every such appeal, which shall be dismissed or settled, before final hearing to be paid as above, ..	1 0 0
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When no Respondent shall have contested the appeal,.....	0 12 6
If the appeal not contested, shall be settled before final hearing,.....	0 6 8

