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No. 29.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to diminish and regulate the costs
in Appeal.

Received and read, first time, Saturday,
23rd March, 1861.

Second reading, Tuesday, 2nd April, 1861

Mr. PICHÉ

QUEBEC :

PRINTED BY THOMPSON & CO., ST. CÉSÈLE STREET.

An Act to diminish and regulate the Costs of Appeal.

HER Majesty, &c., enacts as follows :—

Preamble.

I. The costs and fees of the respective Officers, Counsel, Advocates and Attorneys, on appeals from the Circuit Court to the Court of Queen's Bench, (sitting as a Court of Appeal,) shall be those fixed by 5 Table A of this Act. Costs on appeals from Circuit Court.

II. The costs and fees of the respective Officers, Counsel, Advocates and Attorneys, on appeals from the Superior Court to the said Court of Queen's Bench, (Appeal side) shall be those fixed by Table B of this Act. From the Superior Court.

10 III. No other costs and fees but those fixed by the said Tables shall be taxed ;—And neither the said Court of Queen's Bench (Appeal side) nor the Judges thereof shall in any wise change or modify the costs and fees fixed by this Act. No others to be taxed.

15 IV. Every bill of costs shall be first taxed by the Clerk of Appeals, and afterwards approved by one of the Judges of the said Court, but it may be afterwards revised before the Court, or out of the Court by one of the Judges thereof, on a simple ordinary motion to that effect, one day's notice of which, to the opposite party, will suffice. Revision of Bills of Costs.

TABLE A.

Costs and fees of the respective Officers, Counsel, Advocates and Attorneys, on Appeals from the Circuit Court to the Court of Queen's Bench, (Appeal side.)

TO THE CLERK OF THE CIRCUIT COURT APPEALED FROM.

	£	s.	d.
1. For the security bond to be furnished on every appeal, and for two copies thereof,	0	10	0
2. For the <i>transcript</i> , for preparing the record of the cause, with all the necessary certificates, and his trouble in its transmission, (exclusive of postage, if any be incurred.) The whole to be payable on the deposit or filing of the Petition in Appeal,	0	15	0

TO THE CLERK OF APPEALS.

3. On the entry of any Appeal, or on the appearance of the Appellant	1	0	0
4. On the appearance of the respondent.....	0	15	0
5. On every copy delivered by him, 6d. per 100 words, and 1s. 3d. for the certificate at the foot of each copy,			

TO THE CRIER.

6. On the entry of any appeal	0	3	0
7. On the appearance of the respondent,	0	2	6

TO THE BAILIFFS.

8. The same fees as those allowed to bailiffs on any proceedings in appealable cases from the Circuit Court.

FACTUM.

9. The cost of printing any Factum when ordered,..... ..	1	0	0
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TO THE ATTORNEYS.

On the abandonment or dismissal of any appeal, after the filing the original of the petition in appeal, in conformity with Sec. 45 of Cap. 77, of the Consolidated Statutes for Lower Canada, or in case of the abandonment of the appeal provided for by the sections 46 and 48 of the said Chapter, that is to say:

10. To the Attorney for the appellant	3	10	0
11. To the attorney for the respondent.....	2	15	0

On final judgment, if the respondent make default:

12. To the attorney for the respondent.....	5	10	0
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On final judgment, if respondent has appeared:

13. To the attorney for the appellant	7	0	0
14. To the attorney for the respondent	5	0	0

TAXES.

The tax imposed in relation to the erection of the Court House in Montreal shall hereafter be as follows:—

15. On the appearance of the appellant	0	10	0
16. On the appearance of the respondent.....	0	7	6

TABLE B.

Costs and fees of the respective officers, counsel, advocates, and attorneys, on appeals from the Superior Court to the Court of Queen's Bench (Appeal Side.)

TO THE CLERK OF THE COURT OR JUDGE APPEALED FROM.

	£	s.	d.
1. For preparing the record of the cause, with all the necessary certificates, and his trouble in the transmission...	0	10	0
2. For the transcript, 6d. per 100 words, provided that in no case it exceeds	1	0	0
3. For the security bond to be furnished in every appeal, or proceeding in error, and for all the necessary copies thereof, to the clerk, who shall receive and deliver them. for the whole	0	10	0

TO THE CLERK OF APPEALS.

4. On every copy delivered by him, 6d. per 100 words, and 2s. 6d. for the certificate at the foot of each copy.			
5. On every security in appeal to Her Majesty in Council, and for necessary copies, not exceeding two.....	1	0	0
6. For the preparation and transmission of the record, in the case of No. 5	2	0	0
7. For the transcript, 6d. per 100 words, in the case of No. 5.			
8. For taxing every bill of costs.....	0	2	6
9. On the entry of any appeal or proceeding in error.....	1	10	0
10. On the appearance of the respondent	1	0	0

TO THE CRIER.

11. On the entry of any appeal or proceeding in error.....	0	5	0
12. On the appearance of the respondent.....	0	2	0

TO THE BAILIFFS.

13. The same fees as those allowed to bailiffs on any proceeding in the Superior Court.

FACTUM.

14. For the cost of printing any Factum.....	1	0	0
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TO THE ATTORNEYS.

If there be no contestation on the appeal or proceeding in error:—

15. To the Attorney for the appellant	7	10	0
16. To the Attorney for the respondent	5	0	0

If there be a contestation:—

17. To the Attorney for the appellant.....	10	0	0
18. To the Attorney for the respondent	7	10	0

TAXES.

The taxes imposed in relation to the erection of the Court House in the City of Montreal shall hereafter be as follows:—

19. On the entry of any appeal or proceeding in error by the appellant.....	1	10	0
20. On every appearance by the respondent.....	1	0	0
21. On every security in appeal to Her Majesty in Her Privy Council	7	10	0
22. On the preparation and transmission of the record in the latter case.....	1	0	0
23. The costs and fees on any appeal from a judgment rendered in term or in vacation in any of the cases provided for by Chapter 88 of the Consolidated Statutes for Lower Canada, shall be those fixed by this Table.			