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# LOWER CANADA.

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## CIRCUIT COURT.

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IT IS ORDERED—that from henceforth the following ORDERS and RULES OF PRACTICE shall be the Orders and Rules of Practice for the CIRCUIT COURT of LOWER CANADA.

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### *General Rules.*

#### I.

That the Court be opened at the hour of Ten in the forenoon of each Juridical day, unless otherwise specially adjourned.

#### II.

That the Queen's Counsel, Barristers, Attorneys and Officers of the Court be habited in the manner prescribed by the Rules of Practice of the Superior Court.

#### III.

That every Attorney elect his domicile within one mile from the Court House, in default whereof he shall be considered to have elected his domicile at the Office of the Clerk.

## IV.

That the Office of the Clerk, in the Districts of Quebec and Montreal, be open, in Vacation, from the hour of 8, A. M. to the hour of 4, P. M.; and during Term, from 8, A. M. to 6, P. M. And, in the Districts of Three Rivers, Saint Francis, and Gaspé, from 9, A. M. till Noon, and from 2 to 4, P. M. in Vacation; and during Term, from 8, A. M., till 6, P. M.

## V.

That no Attorney or Officer of the Court be received as Bail or Surety in any cause.

## VI.

That the Clerk shall keep a Register of every Process *ad respondendum* issuing from this Court, specifying the names of the parties, the amount demanded, the cause of action and the day of return.

## VII.

That in all cases in which the Defendant is entitled to a Bill of Particulars, a copy thereof shall be annexed to the original Writ or Declaration, and to the Copy to be served on the Defendant, and in default thereof, the Plaintiff's action shall, on motion of the Defendant, be dismissed with costs—*sauf à se pourvoir*.

## VIII.

That all services on Attorneys be made between the hours of Nine in the forenoon and Six in the afternoon, from the 21st of March to 21st of September, and between the hours of 9, A. M., and 5, P. M., during the remainder of the year.

## IX.

That no change of Attorney be allowed without leave of the Court.

## X.

That when a party ceases to be represented by Attorney, he may, by Rule of Court, be compelled to name another Attorney. In default of a Plaintiff so doing, his action shall be dismissed with costs, *sauf à se pourvoir*. If the Defendant omit so to do, the Plaintiff shall be allowed to proceed as if the Defendant had not appeared in the cause.

## XI.

That all Exhibits, with a list thereof, be filed with the Declaration or plea, as the case may require.

## XII.

That no party shall be bound to file any act *sous seing privé*, before his *Enquête*; but that a certified copy of such document shall be filed with the Declaration or plea, as is above directed.

## XIII.

That if a Defendant neglect to file his Exhibits with his plea, such Exhibits shall not be afterwards received or filed, unless allowed by the Court.

## XIV.

That either of the parties in a cause may take from the Clerk's Office all Exhibits filed, except writings *sous seing privé*, and the same keep during one day, on signing a receipt for the same on the list filed in the cause.

## XV.

That every *défense au fonds en droit* shall contain an assignment of the causes of demurrer.

## XVI.

That all Incidental Cross-demands be filed with the Defendant's plea, and that all Rules of Practice shall apply to Incidental Cross-demands.

## XVII.

That every such Incidental Cross-demand shall be considered a distinct action, and shall not delay the proceedings on the principal demand.

## XVIII.

That every notice of Motion or Rule *nisi* shall be served one day in Term, and two days in Vacation, before the party can be called upon to shew cause.

## XIX

That of all Motions for Attachments two days' notice shall be given, accompanied by a Copy of all Affidavits to be filed in support of such Motion.

## XX.

That all papers filed shall be regularly docketed, by specifying the Title and Number of the cause, describing the paper filed, and stating by whom filed.

## XXI.

That all applications for Security for Costs be made on or before the second day after the day of return.

## XXII.

That in computations of time, Sundays and binding Holydays—*Fêtes d'Obligation*—shall not be reckoned, unless otherwise provided by Law.

## XXIII.

That when any delay shall expire on a non-judicial day, such delay shall be held to extend to the close of the next Judicial day.

## XXIV.

That the Clerk shall not receive or file any pleading or paper writing, unless the fee allowed thereon be paid.

## XXV.

That no *Exception déclinatoire, péremptoire à la forme* or *dilatoire*, be received unless the party offering such Exception shall therewith deposit in the hands of the Clerk, the sum of one pound, six shillings, and eight pence, for every such Exception, to answer the costs of the adverse party, if such Exception be dismissed or withdrawn, in the proportion of six shillings and eight pence to the Clerk, and twenty shillings to the Attorney.

## XXVI.

That every Affidavit or Certificate of Service, shall particularly describe the manner, place, and time of service, in letters, and also the distance from the place of service to the Court House, at which the party is required to appear.

## XXVII.

That it shall be the duty of the Clerk to call the causes, each day, in the following order :

1st.—Causes Returned.

2nd.—Non-appealable Causes fixed for final hearing *Exparte*.

3rd.—Non-appealable Causes in which one of the parties is to be heard on the *serment décisoire*.

4th.—Non-appealable Causes contested.

5th.—Appealable Causes—*Exparte*.

6th.— do. do. contested.

### *Of Enquêtes.*

#### XXVIII.

That the Clerk shall keep a Roll of all Causes inscribed for the adduction of Evidence.

#### XXIX.

That of every Inscription on the *Roll d'Enquête* one day's notice shall be given in Term, and four days in Vacation.

#### XXX.

That if the Plaintiff or Defendant is not ready to examine his witnesses on the day fixed for the *Enquête*, his *Enquête* shall, on Motion, be declared closed.

#### XXXI.

That every application for an Order or a Commission, in the nature of a *Commission Rogatoire*, for the Examination of Witnesses, be applied for within two days after issue joined.

#### XXXII.

That all Interrogatories annexed to such Commission, whether for the Examination of Witnesses or of

a party on *faits et articles*, shall be allowed by a Judge before the party can be called upon to answer.

## XXXIII.

That either party may at any period cause the Return to a Commission by him sued out to be opened, unless good cause to the contrary be shewn. But the return to a Commission sued out by a Defendant shall not be opened until Plaintiff's *Enquête* has been closed.

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*Roll de Droit.*

## XXXIV.

That the Clerk shall keep a Roll of all Causes inscribed for preliminary hearing *en droit*, and another Roll of all Causes inscribed for final hearing on the merits.

## XXXV.

That of all such Inscriptions one day's notice shall be given in Term, and two days in Vacation.

## XXXVI.

That either party may inscribe the Cause for final hearing on the merits, or for a preliminary hearing *en droit*.

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*Of Oppositions.*

## XXXVII.

All Oppositions shall contain the reasons or *moyens d'opposition*, and none shall be admitted after the filing of any Opposition.



## XXXVIII.

Each Opposition *afin d'annuller* or *de distraire*, shall be supported by an Affidavit in the following form :

*Lower Canada,* }  
*Circuit.* }

CIRCUIT COURT.

A. B.

PLAINTIFF ;

vs.

C. D.

DEFENDANT.

A. B., of                      being duly sworn, doth depose and say, that the facts articulated and set forth in the annexed Opposition *afin d*                      and each of them is, and are true, and that the said Opposition is not made with any intent unjustly to retard or delay the sale of the whole or any part of the moveable or immoveable property, seized by virtue of the Writ of Execution in this cause issued, but that the same is made in good faith, for the sole purpose of obtaining justice.

Sworn before me, at                      }  
this                      day of                      18 }

## XXXIX.

No Bailiff shall receive any of the Oppositions abovementioned, unless supported by such Affidavit ; but it shall be the duty of the Bailiff to proceed as if no such Opposition had been presented to him.

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*Inscriptions en Faux.*

## XL.

A party desirous of inscribing *en faux* against an

Exhibit filed, shall, by Motion addressed to the Court, pray leave so to do.

#### XLI.

The Motion for leave to inscribe *en faux* shall be signed by the party in whose name it is made, or by an Attorney specially authorised so to do, and an authentic Copy of the Power of Attorney given shall be filed with the said Motion.

#### XLII.

The party filing such Exhibit shall, within the delay to be prescribed by the Court, on motion of the Plaintiff *en faux*, declare in writing, if he intends to avail himself of such Exhibit in support of the allegations set forth in his pleading.

#### XLIII.

Should the party filing such Exhibit omit to make such declaration in writing, signed by himself or by his Attorney *ad lites*, within the time prescribed, the said Exhibit shall, by order of the Court, on the Motion of the Plaintiff *en faux*, be taken off the files of the Court, and shall thereafter be held and considered, to all intents and purposes, to have been withdrawn by the party who filed the same.

#### XLIV.

If the Defendant *en faux* declare that he does not intend to avail himself of such Exhibit in support of his allegations, the said Exhibit shall be taken off the files of the Court, and shall be held and considered to all intents and purposes, to have been withdrawn by the party who filed the same.

## XLV.

If the Defendant *en faux* declare his intention to avail himself of such Exhibit for the purposes aforesaid, he shall file the *minute* thereof, if there be a *minute*, in the Office of the Clerk, within such time as shall be prescribed by the Court, and in default of so doing, the said Exhibit shall, on Motion of the Plaintiff *en faux*, be taken off the files of the Court, and held and considered, to all intents and purposes, to have withdrawn by the party who filed the same.

## XLVI.

Two days after the Plaintiff *en faux* shall have been notified of the filing of the said *minute* at the Office of said Clerk, the said Plaintiff shall file, under his signature or that of his Attorney *ad lites*, his inscription *en faux*, containing all the *moyens de faux*, a copy whereof shall be served on the Attorney of the adverse party. If the said Plaintiff omit so to do, the leave granted to him, to inscribe *en faux* shall, on Motion of the adverse party, be set aside, and the Plaintiff on the original Demand, allowed to proceed as if leave to inscribe *en faux* had not been allowed.

## XLVII.

When the *moyens de faux* are filed, the Defendant *en faux* may move that the said *moyens* be declared irrelevant and inadmissible—on which Motion, it shall be competent for the Court, if it reject the same, to declare the *moyen de faux* relevant and admissible, and to order the Defendant *en faux* to file his plea thereto, within a given delay to be computed from the day of the making of the *Procès Verbal* next hereinafter mentioned.

## XLVIII.

That immediately after the rendering of the said Judgment declaring the *moyens de faux* relevant and admissible, the Plaintiff or Defendant *en faux* may move that a *Procès Verbal*, descriptive of the Exhibit filed, be made in the presence of the adverse party or his Attorney *ad lites*.

## XLIX.

If the Defendant *en faux* omit to file his plea as ordered, the Plaintiff *en faux* shall be allowed to proceed *ex parte*.

## L.

The Plaintiff *en faux* may within two days from the day of the filing of such Plea, file a special answer thereto, if he thinks fit.

## LI.

Either party may inscribe the cause on the *Roll d'Enquêtes* for the adduction of evidence.

## LII.

The *Enquêtes* being closed, either party may inscribe the cause for final hearing.

## LIII.

This cause being inscribed on the *Roll d'Enquêtes* and on the *Roll de droit*, the proceedings thereon shall be regulated by the Orders and Rules of Practice of this Court.

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*The following Rules of Practice shall apply specially to non-appeable cases.*

## LIV.

That the parties shall be bound to proceed to

Evidence on the day named for that purpose ; should the Plaintiff not be ready to proceed, his action shall be dismissed with costs, *sauf à se pourvoir*—in case the Defendant is not ready to proceed, the Plaintiff shall be allowed to proceed *Exparte*.

## LV.

The Attorneys shall sign all pleadings by them filed—the Clerk shall enter on the Declaration the name of the Defendant's Attorney.

## LVI.

All Interrogatories upon the *serment décisoire* or upon *faits et articles* shall be served the day before that on which the party is to answer, when the party to be interrogated does not reside more than five leagues from the Court House, and when the said party resides at a distance of more than five leagues from the Court House, an additional delay of one day shall be required for every additional five leagues.—But the Judge may, in his discretion, allow either party to be interrogated on the *serment décisoire* without requiring the Interrogatories to be in writing.

QUEBEC, 17th December, 1850.

(Signed,) EDWD. BOWEN, CHIEF JUSTICE, S. C.  
 D. MONDELET, J. S. C.,  
 CHS. D. DAY, J. S. C.,  
 G. VANFELSON, J. S. C.,  
 CHARLES MONDELET, J. S. C.,  
 J. SMITH, J. S. C.,  
 ED. BACQUET, J. S. C.,  
 J. DUVAL, J. S. C.,  
 W. C. MEREDITH, J. S. C.

CIRCUIT COURT.

TABLE OF FEES.

*A. Peterson*

# LOWER CANADA.—CIRCUIT COURT.

It is ordered that the following Fees be allowed to the undermentioned Officers:—

TABLE I.

*Fees to be taken by Attorneys in Appealable Cases.*

	1st CLASS.		2d CLASS.	
	Actions in which the sum of money or value of the thing demanded exceeds £25, currency.		Actions in which the sum of money or value of the thing demanded exceeds £15, currency, and does not exceed £25, cy.	
	Plaintiff's Attorney.	Defendant's Attorney.	Plaintiff's Attorney.	Defendant's Attorney.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<b>ACTIONS NOT CONTESTED.</b>				
1. If the action be settled after the taking out of the Writ, but before the Return...	1	16	1	10
2. If the action be settled after default recorded for want of appearance, or after foreclosure for want of a Plea, but before the opening of the <i>Enquête</i> , where an <i>Enquête</i> is necessary, or before the Inscription for Judgment where no <i>Enquête</i> is necessary; or if the action be settled before Plea to the Merits, when the Defendant has appeared and has not been foreclosed from pleading; or if the Defendant confess Judgment before pleading to the Merits or being foreclosed from pleading.	2	0	1	13
3. If the action be settled after the Inscription for Judgment, when no <i>Enquête</i> is necessary, or if Judgment be rendered on such Inscription.....	2	15	2	5
4. If the action be settled after <i>Enquête</i> closed, or if Judgment be rendered after <i>Enquête</i> .....	3	13	3	0
In any of the above cases in which the Defendant may have appeared by Attorney—to Defendant's Attorney.....		1	3	4
<b>ACTIONS CONTESTED.</b>				
5. If the action be dismissed on any Plea other than a Plea to the Merits; or if the action be settled after Plea to the Merits, but before <i>Enquête</i> .....	2	15	2	0
6. If the action be settled after the opening of the <i>Enquête</i> , but before final hearing on the Merits.....	4	2	3	0
7. If the action be settled after final hearing on the Merits, or if Judgment be rendered after such hearing.....	5	10	4	0

In any case where there are more Defendants than one, and where they sever in their defence—to Plaintiff's Attorney, on each additional issue, one half of the sum which he would have received, had there been but one issue, the whole amount payable in equal proportions by the party or parties to each issue.

## Additional Fees to TABLE I.—Appealable Cases.

	£	s.	d.
8. For the second and every additional Copy of the Plaintiff's Declaration.....	0	3	4
9. For Affidavit to obtain <i>Capias ad Respondendum</i> , <i>Saisie Arrêt</i> , <i>Saisie Revendication</i> , or <i>Saisie Gagerie</i> , when Affidavit required.....	0	7	6
On every <i>Exception declinatoire</i> , <i>dilatatoire</i> , or <i>péremptoire à la forme</i> , and on every <i>défense au fonds en droit</i> , rejected.....			
10. To Plaintiff's Attorney.....	1	0	0
11. To Defendant's Attorney.....	0	15	0
12. To the Plaintiff be permitted to amend his Declaration, after the filing of an <i>Exception à la forme</i> ,—	0	15	0
If the Plaintiff be permitted to amend his Declaration, after the filing of a <i>Défense au fonds en droit</i> ,—			
13. To the Defendant's Attorney.....	1	5	0
14. To the Defendant's Attorney on any <i>Exception dilatoire</i> maintained.....	1	5	0
15. To Plaintiff's Attorney.....	0	12	6
16. For all proceedings on any Petition, Motion or Rule not specially provided for, upon which Costs are ordered to be paid—To the party to whom Costs are awarded.....	0	6	8
For all proceedings on any Action <i>en Reprise d'Instance</i> —one-third of the fees that would be allowed on the original demand, according to the stage of the proceedings.			
For all proceedings in an Action to have Judgment declared executory, same fees as in an Action <i>en Reprise d'Instance</i> ,—			
17. For all fees on the suing out of a Writ of Execution.....	0	3	4
For all proceedings on suing out a Writ of <i>Saisie Arrêt</i> after Judgment,—			
18. If the declaration of the <i>Tiers Saisi</i> be not contested.....	0	11	8
If contested, Costs same as in an original Action for the same amount.			
For all proceedings for a <i>Contrainte par corps</i> ,—			
19. To Attorney Moving.....	0	13	4
20. To Attorney Suing.....	0	13	4
For all proceedings upon a contestation of a Report of Distribution which shall not be withdrawn before the Inscription for hearing on the merits—when the amount of the collocation contested is above £25,—			
22. To the Attorney contesting.....	1	16	8
23. To the Attorney of party claiming.....	1	6	8
When the amount of the collocation contested does not exceed £25,—			
24. To the Attorney contesting.....	1	10	0
25. To the Attorney of the party claiming.....	1	3	4
If the contestation be withdrawn before the Inscription for hearing on the merits, one-half of the above fees according to the class,—			
For all proceedings after Judgment ordering Account to be rendered in any action <i>en reddition de compte</i> —			
If the Account be contested,—	2	6	8
26. To the party contesting the Account.....	1	3	4
27. To the opposite party.....	0	11	8
28. For all proceedings to cause Curator to be appointed to <i>délaissement</i> in any hypothecary Action.....	0	11	8
29. And to Curator.....	0	11	8
<b>Inscriptions de faux.</b>			
To the Attorney of Plaintiff <i>en faux</i> .—	1	10	0
30. When the <i>moyens de faux</i> are declared pertinent, . . . . .	0	15	0
31. To the Attorney of Defendant <i>en faux</i> . . . . .	1	10	0
When cause settled after answer to the <i>Moyens de faux</i> ,—	1	0	0
32. To the Attorney of Plaintiff <i>en faux</i> . . . . .	1	0	0
33. To the Attorney of Defendant <i>en faux</i> . . . . .	2	6	8
When cause settled after <i>Enquête</i> ,—	1	10	0
34. To the Attorney of Plaintiff <i>en faux</i> . . . . .			
35. To the Attorney of Defendant <i>en faux</i> . . . . .			
When cause settled after final hearing, or when Judgment is rendered on such hearing,—			

\* B



	£	s.	d.
36. To the Attorney of Plaintiff <i>en faux</i> .....	3	10	0
37. To the Attorney of the Defendant <i>en faux</i> .....	2	6	8
38. Costs on Interventions to be the same as on original demands of same class.			
<b>Interventions.</b>			
<b>Oppositions.</b>			
39. On any Opposition <i>afin de distraire, afin d'annuller, or afin de conserver, not contested</i> .....	1	0	0
40. On all Oppositions, excepting Oppositions <i>afin de conserver, when contested, the same fees as in the original actions to which the same shall be incident.</i>			
41. On oppositions <i>afin de conserver, if contested same fees as in original Actions for like sums, excepting that the costs of the contestation of any Opposition for a less sum than £15, shall be the same as in a contested non-appealable Action of the highest class.</i>			
42. On any Appeal in the Circuit Court—To each Attorney.....	2	6	8
<b>Appeals.</b>			
<b>Fees to be taken by the Clerk.—In appealable Cases.</b>			
Actions first Class above £25.—Actions second Class £25 and under.			
43. On the Return of any action of first class the Plaintiff shall pay.....	0	12	6
44. On the Return of any action of the second class the Plaintiff shall pay.....	0	10	0
45. In Action of first class Defendant shall pay, on filing Plea, either to the instance or to the action.....	0	10	0

36. To the Attorney of Plaintiff *en faux*.....  
 37. To the Attorney of the Defendant *en faux*.....  
 Incidental cross demands—one-half of the fees allowed, on the original demand.

**Interventions.**

38. Costs on Interventions to be the same as on original demands of same class.

**Oppositions.**

39. On any Opposition *afin de distraire, afin d'annuller, or afin de conserver, not contested*.....  
 40. On all Oppositions, excepting Oppositions *afin de conserver, when contested, the same fees as in the original actions to which the same shall be incident.*  
 41. On oppositions *afin de conserver, if contested same fees as in original Actions for like sums, excepting that the costs of the contestation of any Opposition for a less sum than £15, shall be the same as in a contested non-appealable Action of the highest class.*

**Appeals.**

42. On any Appeal in the Circuit Court—To each Attorney.....

**Fees to be taken by the Clerk.—In appealable Cases.**

Actions first Class above £25.—Actions second Class £25 and under.

43. On the Return of any action of first class the Plaintiff shall pay.....  
 44. On the Return of any action of the second class the Plaintiff shall pay.....  
 45. In Action of first class Defendant shall pay, on filing Plea, either to the instance or to the action.....

47. If Defendants sever in their defence, each Defendant pleading, shall pay the above fee.

48. For each and every Writ—(The Writ of Subpœna alone excepted).....  
 49. For each additional Copy when required.....  
 50. For every Writ of Subpœna wherein shall not be inserted the names of more than four Witnesses.....  
 51. And for each Copy if required.....  
 52. On every Witness examined above the number of two.....  
 53. For each and every office copy of a Judgment not exceeding 200 words.....  
 54. And for every additional 100 words.....  
 55. For each and every office copy of a Rule of Court.....  
 56. For each and every office Certificate.....  
 57. For a Search beyond a year from the period of making the search.....  
 No allowance is made to the Clerk for a Search within the year reckoning as above, nor for a Search upon issuing any Writ of Execution.  
 58. For every Recognizance or Bail Bond taken in or out of Court.....  
 59. For a *Projet de Distributor* or Collocation, where the Creditors collocated do not exceed four in number, exclusive of the Attorneys and Officers of the Court, if the *Projet be homologated*.....  
 60. For the like between more than four Creditors, exclusive of the Attorneys and Officers of the Court, if the *Projet be homologated*.....  
 61. Upon every Opposition *afin de distraire, afin d'annuller, or afin de conserver* and upon every *Inscription de faux* or Incidental demand, there shall be paid to the Clerk by the opposant or the party making the Inscription or intervention as the case may be.....  
 62. If contested the party contesting shall pay at time of filing contestation.....  
 63. For all fees on a contestation of a Report of distribution or collocation—to be paid by the party contesting at time of filing contestation.....  
 64. For the Execution of a *Commission Rogatoire*.....  
 65. For every Deposition taken in virtue of such Commission.....  
 66. For a *Commission Rogatoire* or Commission in the nature of a *Commission Rogatoire*, including all the necessary forms to be annexed thereto.....  
 67. For preparing a List of Jurors.....  
 68. For attendance and striking a Jury.....

69. For all fees upon the Probate of a last Will and Testament (exclusive of Registering).....
70. For affixing and taking off seals of safe custody (*scellé*), the Clerk or Commissioner shall be entitled to a fee of 5s. for each and every *Vacation* not exceeding two *Vacations per diem* (to be paid by the *Pour-suyvant* previous to the closing of each *Vacation*).....
71. For every copy of any paper in his custody the Clerk shall be allowed 1s. 6d. for the first two hundred words, including certificate, and sixpence for each and every additional 100 words.
72. For his fee on making up a Record on a Writ of Appeal and returning the Writ, exclusive of Transcript to be paid for as a copy under this Tariff.....
73. For every *Acte de Avis de Parents*, including the order for convening the *Assemblée* and copy of the *Acte*,
74. Upon an *Avis de Parents* taken in the country parts by a sub-delegate, including the *Acte of Homologation* and copy, the Clerk shall be entitled to receive (three shillings).....
75. For every attendance out of his office the Clerk shall be entitled to receive 7s. 6d. for each *Vacation* not exceeding two *Vacations per diem*, exclusive of travelling expenses.....
76. For a *Clôture d'Inventaire*.....
77. For the safe keeping and payment of all monies deposited with the Clerk he shall be entitled to receive one *per centum*.....
78. For Enregistering a renunciation to a community or succession, or donation, or any other document to be eunregistered, for every 100 words.....
79. For each Bill of Costs, and Certificate if demanded.....
80. On every Appeal there be paid to the Clerk, by the Appellant, on return of the Appeal.....
81. By the Respondent, on filing appearance.....
- The above fees to be payable in all cases (excepting when herein otherwise provided for) when the Officer is required to perform the service for which the fee is chargeable.

### To the Crier.

82. On every Action, Opposition, or Intervention returned into Court.....

### To the Tipstaff.

83. On every Action, Opposition, or Intervention returned into Court.....

The fees of the Crier and Tipstaff to be paid into the Office of the Clerk before the return

### To the Attorney.

84. On all proceedings in actions settled before return (except those on which additional fees are hereinafter allowed) to the Plaintiff's Attorney.....
85. On all proceedings (except as aforesaid) in action settled after return, and before contestation, or in which Judgment shall be given on confession or by default, or *Exparte*, without *Enquête*, that is to say, without the examination in Court of any witness or party, to the Plaintiff's Attorney.....
86. And to the Defendant's Attorney.....
87. On the same, if the Judgment be given by default or *Exparte*, but with *Enquête*—to the Plaintiff's Attorney.....
88. And to the Defendant's Attorney.....
89. On the same, in actions discontinued after contestation—to the Plaintiff's Attorney.
90. And to the Defendant's Attorney.....
91. On the same, when the Judgment shall be given after contestation, to the Plaintiff's Attorney.....
92. And to the Defendant's Attorney.....
93. In all hypothecary actions, or mixed actions an additional fee of 15s. Currency; (To Plaintiff's Attorney).....
94. On each Opposition, *afin de désavouer* or *afin d'annuller*, *afin de conserver* or intervention not contested.....
95. On all Oppositions (excepting Oppositions *afin de conserver*) and interventions, when contested, the same fees as in the original actions to which the same shall be incident,
96. On oppositions *afin de conserver*, if contested, same fees as in original actions for like sums,
97. On a *Saisie Arrêt* after Judgment, when there is no contestation.....
98. If Declaration of *Tiers Saisi* be contested, same fees as in an original action for a like sum.

£	s.	d.
0	11	8
0	5	0
0	10	0
0	5	0
0	3	0
0	7	6
0	3	0
0	0	6
0	1	0
0	12	6
0	6	3
0	1	0
0	0	6

Actions un-der £15, but above £10, currency.			Actions £10, or under, but above £6 5s.			Actions £6 5s. or under.		
£	s.	d.	£	s.	d.	£	s.	d.
0	10	0	0	5	0	0	3	4
0	15	0	0	7	6	0	5	0
0	10	0	0	5	0	0	2	6
1	0	0	0	10	0	0	7	6
0	10	0	0	5	0	0	2	6
1	0	0	0	10	0	0	5	0
0	15	0	0	10	0	0	5	0
1	5	0	0	12	6	0	7	6
1	0	0	0	10	0	0	5	0
0	12	6	0	10	0	0	5	0
0	7	6	0	5	0	0	2	6

- 99. On suing out any Writ of *Saisie Gagerie*, *Saisie Revendication* or *Saisie Arrêt*, before Judgment, on any special declaration, in any personal action required by the Court—(to Plaintiff's Attorney).....
- 100. For each Copy, more than one, of any Declaration, Petition in Intervention, or Opposition.....
- 101. In all Incidental Cross-demands; half the fees allowed in Original Actions for a like sum,.....
- 102. For each plea in writing ordered by the Court, including Copy—(To Defendant's Attorney).....
- 103. On each proceeding to take up the instance or to declare a Judgment executory, or for *Contrainte par corps*, to the Attorney prosecuting the same.....
- 104. And when over-ruled, to the Attorney resisting the application.....
- 105. On a *Commission Rogatoire*, and on all proceedings relative thereto, to the Attorney suing out the same.....
- 106. And to the Attorney of the opposite party.....
- 107. To the Attorney employed by either party to attend to the execution of such Commission.....

**To the Clerk.**

- 108. For every Writ of Summons or Attachment (*Saisie Arrêt*, *Saisi Gagerie*, *Saisie Revendication* or *Capias*) filing the *Preceipe*, and furnishing a Copy of such Writ.....
  - 109. For every original Subpoena.....
  - 110. On the entry of any Cause or the filing of any Intervention, *Requête Civile*, Opposition or Incidental *demande*.....
  - 112. For each *Commission Rogatoire*, and the proceedings relative thereto.....
  - 113. For each Rule for *Faits et articles*, *Serment décisoire*, *Reprise d'instance* or other rule of like nature.....
  - 114. For each Copy of a Subpoena or rule, and for each Copy more than one of any Writ (if required).....
  - 115. For an office copy of any document, including the certificate, per hundred words.....
  - 116. For each Appeal Bond, and on each Evocation, including attendance and the making up and transmission of the Record.....
  - 117. For each Writ of Execution.....
  - 118. For each Bill of Costs and certificate, if demanded.....
  - 119. On the execution of a *Commission Rogatoire* from any other Court.....
  - 120. On the examination and cross-examination (if any) of each witness under such *Commission Rogatoire*.....
  - 121. For a copy of any Judgment, whether Interlocutory or final, if demanded.....
  - 122. Drawing Report of Distribution.....
- The above fees to be payable in all cases (excepting when herein otherwise provided for) when the officer is required to perform the service for which the fee is chargeable.

**To the Crier.**

- 123. On every Action, Opposition or Intervention returned into Court, to be paid into the Office of the Clerk before the return.....
- 124. On every Action, Opposition or Intervention returned into Court, to be paid into the Office of the Clerk before the return.....

	1st CLASS. Actions under £15, but above £10, currency.				2d CLASS. Actions £10, or under, but above £6 5s.				3d CLASS. Actions £6 5s. or under.			
	£		d.		£		d.		£		d.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
99.	0	7	6	0	0	5	0	0	0	0	2	6
100.	0	2	6	0	0	2	0	0	0	0	1	3
101.	0	5	0	0	0	2	6	0	0	0	1	3
102.	0	12	6	0	0	10	0	0	0	0	5	0
103.	0	7	6	0	0	5	0	0	0	0	2	6
104.	0	10	0	0	0	5	0	0	0	0	2	6
105.	0	5	0	0	0	2	6	0	0	0	1	3
106.	0	10	0	0	0	10	0	0	0	0	10	0
107.	0	3	0	0	0	2	0	0	0	0	1	0
	0	1	0	0	0	1	0	0	0	0	0	6
	0	5	0	0	0	2	6	0	0	0	1	3
108.	0	2	6	0	0	2	6	0	0	0	1	3
109.	0	0	0	0	0	1	0	0	0	0	0	6
110.	0	0	6	0	0	0	6	0	0	0	0	3
111.	0	0	6	0	0	0	6	0	0	0	0	6
112.	0	10	0	0	0	10	0	0	0	0	10	0
113.	0	2	0	0	0	1	6	0	0	0	1	0
114.	0	1	0	0	0	1	0	0	0	0	1	0
115.	0	3	4	0	0	3	4	0	0	0	3	4
116.	0	2	0	0	0	2	0	0	0	0	2	0
117.	0	2	0	0	0	1	6	0	0	0	1	0
118.	0	10	0	0	0	2	0	0	0	0	2	0
119.	0	2	0	0	0	1	6	0	0	0	1	0
120.	0	10	0	0	0	7	6	0	0	0	5	0
121.	0	1	0	0	0	1	0	0	0	0	1	0
122.	0	0	6	0	0	0	6	0	0	0	0	6
123.	0	0	6	0	0	0	6	0	0	0	0	6
124.	0	0	6	0	0	0	6	0	0	0	0	6

## To the Bailiffs.

Mileage on the service or execution of a Writ or of process of any kind, at the rate of sixpence per mile—without any further charge for mileage, or any other process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time (whether such process shall have been sued out by the same party or by any other) and without any charge for mileage in returnings, but exclusive of sums paid at toll-gates, ferries or bridges.

- 125. For the service, certificate, or return, of such Writ or process.....
- 126. For the seizure of goods and chattels, and all incidental trouble, but exclusive of mileage.....
- 127. For his *recors*.....
- 128. For the sale of goods and chattels exclusive of mileage.....
- 129. For publishing the notices of the sale.....
- 130. For the service of any notice, and the certificate and return.....
- 131. If the Writ be returnable into the Superior Court, the fees to the Sheriff will be the same as if it had issued out of the Superior Court.

1st CLASS. Actions un- der £15, but above £10, currency.		2d CLASS. Actions £10, or under, but above £6 5s.		3d CLASS. Actions £6 5s. or un- der.	
£	s. d.	£	s. d.	£	s. d.
0	1 0	0	1 0	0	1 0
0	7 6	0	5 0	0	3 9
0	1 8	0	1 8	0	1 8
0	7 6	0	5 0	0	3 9
0	1 0	0	1 0	0	1 0
0	1 0	0	1 0	0	1 0

QUEBEC, 17th December, 1850.

(Signed), EDWD. BOWEN, CHIEF JUSTICE S. C.,

D. MONDELET, J. S. C.,  
 CHS. D. DAY, J. S. C.,  
 J. SMITH, J. S. C.,  
 G. VANFELSON, J. S. C.,

CHARLES MONDELET, J. S. C.,  
 E. BAGQUET, J. S. C.,  
 J. DUVAL, J. S. C.,  
 W. C. MERFEDITH J. S. C.