



# TABLE OF FEES

TO BE TAKEN BY THE

JUDGE, REGISTRAR, MARSHAL, AND PRACTITIONERS

OF THE

## VICE-ADMIRALTY COURT

AT

## VANCOUVER ISLAND.

*In pursuance of Her Majesty's Order in Council of the 22d day of November 1860.*



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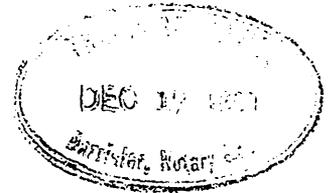
1860.



VANCOUVER ISLAND.

TABLE OF FEES.

BY THE JUDGE.



	Sterling Money.
	£ s. d.
For administering an oath to a Witness or Party in a Cause. Taking Bail, whether by one or more persons. Decreeing Monition, Commission, Attachment, or any other Instrument, or for any Judicial Act done before or after the hearing of a Cause, and not otherwise mentioned herein	0 2 6
NOTE.—All Affidavits must be sworn, and all Acts or Minutes of Court done before the Judge; but if he should be absent, or unable from any cause to perform the duty, recourse may be had to a Surrogate, who would then be entitled to the above Fee.	
For every Decree pronouncing for the interest of a Party in an <i>in pœnam</i> Case	1 6 8
For every Motion before the Judge, to be paid by the Party making the Motion	1 6 8
If opposed, to be paid by the Party opposing the same, in addition to the above	1 6 8
For every Interlocutory Decree or Sentence not <i>in pœnam</i> , from each party to the Suit	1 6 8
For every day on which arguments are heard on a final hearing in a contested Suit, in addition to the Fee on the Interlocutory Decree or Sentence, from each Party	3 0 0
On sealing every Warrant of Arrest, Monition, Commission, Decree, Restitution, or Attachment, Compulsory, Subpcœna, Exemplification, Process, or any other Instrument or Document	0 6 8

BY THE REGISTRAR.

1. Fees on Instruments prepared by the Registrar.

For Drawing and Engrossing—	
Any Warrant to arrest Ship, Goods, or Person, or any Compulsory or Subpcœna, or any Bail Bond	0 10 0
Any Monition, Commission, Decree, Restitution, or Attachment, or any other Instrument not otherwise specified, issued under Seal of the Court	1 0 0
If either of the preceding Instruments exceed ten folios in length, for every folio beyond ten	0 2 0

NOTE.—Each folio must contain 72 words.



Sterling Money.

£ s. d.

For a receipt for original Documents delivered out of the Registry -	-	0	3	4
For a Search or Examination of the Records by any person not being a Party in the Cause in which the Search is made -	-	0	3	4
NOTE.—No fee to be charged to a Party in the Cause, or to any Seaman applying for Search.				
For advertising an Intermediate or Extra Court Day, in addition to the sum paid for advertisement, to be paid by the Party proceeding -	-	0	10	0

7. *On paying Money out of the Registry.*

For preparing Receipt for Money to be paid out of the Registry -	-	0	3	4
Poundage on Money paid out of the Registry, for every Pound sterling -	-	0	0	3

8. *Taxing Costs.*

For taxing a Bill of Costs, if under ten folios, if only one Party attends the Taxation -	-	0	10	0
If two Parties attend, from each Party -	-	0	5	0
If the Bill of Costs exceed ten folios, for every additional folio (besides the Fees above mentioned), if but one Party attend -	-	0	1	0
If two Parties attend, from each Party for every additional folio -	-	0	0	6

9. *Reference of Accounts, &c. by the Judge to the Registrar and Merchants.*

To the Registrar -	-	6	6	0
In addition, for drawing and engrossing the Report -	-	1	6	8
To the Assistant Merchant -	-	6	6	0

If two Merchants, Six Guineas each.

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BY THE MARSHAL.

For arresting any Vessel, Goods, or Person -	-	1	6	8
For keeping Possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each day in which they remain in the Marshal's charge -	-	0	5	0
For inquiring into and certifying the sufficiency of Persons proposed as Sureties in any Suit, for each Surety -	-	0	7	6
For release of any Vessel, Goods, or Person from arrest -	-	0	7	6
For executing every Monition, Decree, Compulsory, or other Instrument not specified -	-	0	10	0
For every attendance in Court, when a Sentence or Interlocutory Decree is pronounced, to be paid by the Party succeeding -	-	0	10	0

Sterling Money.  
£ s. d.

For executing every Decree or Commission of Appraisement, exclusive of the usual Fees for appraising, but including the making of the Inventory - - - - - 1 13 4

For executing every Decree of Sale, on the Gross Proceeds - Two per cent.

NOTE.—This Fee will include any payment to the Crier or Person employed to cry the Goods to be sold, but it is exclusive of any tax payable to the Colonial Government on Goods sold by Auction, of Warehouse Rent, if any, and other disbursements necessarily and properly incurred. If properly qualified, the Marshal will himself discharge the duties of Auctioneer in person; should he, however, not do so, he will not be allowed to charge the Auctioneer's Fee in addition to his own Fees on the Sale, but must remunerate the Auctioneer out of the Fee of 2 per cent. allowed him on the gross proceeds.

On attending the Execution of a Decree or Commission of Unlivery of Cargo (when not done for the purposes of a Sale by the Court), per Day - - - - - 3 3 0

For taking a Person in Execution after Sentence, if the Sum due from such Person does not exceed £100 sterling - - - - - 1 11 6

For the like Duty when the Sum is above £100 sterling - - - - - 3 3 0

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above Duties, there should be paid to him a reasonable sum, to be allowed by the Judge, for Loss of Time and Travelling Expenses, in addition to the preceding Fees.

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### BY THE PRACTITIONERS.

NOTE.—Parties have the right to appear and conduct their Causes in person, if they should be disposed so to do. But they must conform to the Rules and Regulations of the Court, and to all the lawful Orders of the Judge and Officers thereof; and must, during the progress of the Suit, pay the proper Official Fees, as they become due. It will, however, be generally better for the proper and orderly conduct of the Proceedings that Practitioners of the Court should be employed.

The following Scale of Fees has been prepared on the understanding that the Practitioner acts both as Advocate and Proctor, and is consequently entitled to higher Fees than if he merely conducted the Cause as Proctor.

Retaining Fee - - - - - 1 6 8

On extracting any Warrant, Monition, Commission, Writ, or other Instrument - - - - - 0 10 0

NOTE.—This includes the Proctor's attendance in the Registry to extract the Instrument.

Drawing Libel, Information, Plea, Claim, Affidavit, Act on Petition, Interrogatories, Answers, or any other Proceeding whatever, not herein specified, for every folio - - - - - 0 2 0

Fair Copying or Engrossing, for every folio - - - - - 0 1 0

For consultation with Party for the purpose of taking Instructions for the Libel, Information, Plea, Act on Petition, or for any other important purpose during the dependence of a Suit - - - - - 0 13 4

For any necessary Attendance on the Judge or in the Registry, or on the adverse Proctor during the Progress of a Cause to adjust any incidental point in the Suit, or on the Marshal to instruct him as to the service of any Instrument, reporting Bail, &c. - - - - - 0 10 0

For attending any Motion before the Judge during the progress of the Suit 1 6 8

On all Office Copies of Depositions, &c. obtained from the Registrar, one-third of the actual sum paid in the Registry is to be added for the trouble of collating and extracting the same.

	Sterling Money.		
	£	s.	d.
For perusing and considering any Papers, Exhibits, or Documents, introduced into a Cause by the adverse Party, or furnished by a Party to the Practitioner, for the purposes of the Suit, if not exceeding ten folios	0	5	0
For every additional folio	0	0	6
For attending the taxation of any Bill, if under ten folios	0	6	8
For every folio above ten	0	0	8
The Fee on the final Hearing must depend on the length of the Evidence and the importance and difficulty of the Case, but in a Case of no great intricacy the Fee should be from 3 to 5 guineas, and not exceed the latter sum, except in Cases in which the Proceedings are voluminous, or unusually important or intricate, when of course a larger Fee would be allowed. This is, however, a matter for the discretion of the Registrar, who should in all cases in which he has any doubt take the directions of the Judge. The Practitioner, however, acting as he does as Advocate, will in no case be allowed to charge for drawing or fair copy of a brief, it being his duty to get up his Case from the papers in the Cause	3	3	0
		to	
	7	7	0
Should the Arguments last more than one day, the Practitioner will be entitled for every day after the first to a Fee of	4	4	0
In very intricate and difficult Cases he may occasionally be allowed a Fee of	6	6	0
For attending Judgment, if not delivered on the day on which Arguments are heard	1	1	0
		to	
	3	3	0
For attending a Reference before the Registrar and Merchants	1	1	0
		to	
	3	3	0

### IN SLAVE CASES.

In all Prosecutions for breach of the Acts for the Abolition of the Slave Trade, carried on under one Monition, where no Party appears to defend—

	Sterling Money.		
	£	s.	d.
To the Judge	2	2	0
To the Registrar, including a copy of Interlocutory Decree or Sentence	3	3	0
To the Practitioner	4	4	0
To the Marshal	1	1	0
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	£10 10 0		
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In contested Suits, the usual charges are to be allowed as in any other Suit.

## IN UNDEFENDED DERELICT CASES.

Where the value of the Property does not exceed £200—		Sterling Money.		
		£	s.	d.
To the Judge	- - - - -	-	2	2 0
Registrar	- - - - -	-	3	3 0
Practitioner	- - - - -	-	4	4 0
Advocate-General for watching the proceedings	-	-	2	2 0
Marshal	- - - - -	-	1	1 0
		<hr/>		
		£12 12 0		
		<hr/>		

Where the value of the Property is under £50, half of the above Fees only are to be allowed.

Where the value of the Property exceeds £200 but is under £500, double the above Fees are to be allowed.

Where the value exceeds £500, the Charges usual in contested Suits are to be allowed.