BRITISH COLUMBIA.

V. R.

No. 22. An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice from suitors therein.

[11th April, 1865.]

Preamble. WHEREAS, it is expedient to define the amount of Fees to be taken by the Officers of the Supreme Court of Civil Justice of British Columbia in all civil actions pending therein, and also to provide for the appropriation and disposal of the same;

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

Fees to be taken as described in Schedule. I. From and after the time of this Ordinance coming into operation, the Officers and Clerks of the said Supreme Court or of any Judge thereof, shall, for all matters mentioned or referred to in the Schedule hereto, take and receive the fees respectively in that behalf mentioned or referred to in the said Schedule, and no other; and all such fees (except fees for office copies) shall be accounted for and paid in by such Officers and Clerks respectively into the Treasury.

District Registrars how appointed. II. The Judge of the Supreme Court may, from time to time, subject to the approval of the Governor, appoint, remove, and replace persons to act as District Registrars in such parts of the Colony as he shall think fit, according to such directions as he shall think proper.

Fees for office copies. III .All fees for office copies shall be taken to the proper use of the Officer by whom or under whose authority the same office copies shall be made or certified.

Registrar of Supreme Court may act as Accountant General, &c., &c., for the time being. IV. All duties which in England may be performed by the Accountant General, may in this Colony, until an Accountant General of the Supreme Court shall be appointed, be performed by the Judge of the Supreme Court; but no fees or percentage shall be taken in respect thereof; and all duties which in England may be performed in any of the Superior Courts of Common law, by any Associate, Master, or Chief Clerk of any such Courts, or of any Judge therein; or in the High Court of Chancery by any Chief Clerk, Master, Registrar, Examiner, Record and Writ Clerk, Taxing Master, or Secretary; or in Bankruptcy by any Registrar or Official Assignee; or in Lunacy or in the Court of Probate, by any Registrar, Record Keeper, Sealer, Secretary, or Clerk, may lawfully be done in this Colony by any person appointed to act as Registrar of the Supreme Court of Civil Justice. Provided, always, that it shall be lawful for the Governor, at any time hereafter by instrument in writing, to appoint some other person to perform any of the functions authorized in this section, to be performed by the Judge and Registrar of the Supreme Court respectively, with such provisions and directions as to salary and otherwise as he shall think fit.

Fees not mentioned in Schedule to be charged according to English practice. V. For all matters and proceedings, not mentioned in the Schedule hereto, for which fees are chargeable under the English practice, the same fees and duties shall be chargeable and paid hereunder as are now payable under such practice.

Schedule.

Date of operation.

Short Title.

VI. The Schedule hereto annexed shall be part of this Ordinance.

VII. This Ordinance shall have force from the first day of January, 1865, as to the application of fees; and from the first day of May, 1865, as to the amounts to be taken.

VIII. This Ordinance shall be cited as the "Supreme Court Fees Ordinance, 1865"

Passed the Legislative Council the 4th day of April, A. D. 1865.

CHARLES GOOD, Clerk. — ARTHUR N. BIRCH, Presiding Member.

Assented to, in Her Majesty's name, this eleventh day of April, 1865.

FREDERICK SEYMOUR, Governor.

SCHEDULE.

FEES TO BE TAKEN IN COMMON LAW AND CHANCERY PROCEEDINGS

	£	s.	d.
Every writ (except writ of trial or subpœna)		8	0
Every concurrent, alias, pluries or renewed writ		4	0
Every writ of trial		4	0
Every writ of subpœna before a judge or master		2	0
,, ,, before the sheriff		2	0
Every appearance entered		4	0
Filing every affidavit or other proceeding		2	0
Amending every writ, or other proceeding		4	0
Every ordinary rule		2	0
Every special rule, not exceeding 6 folios		8	0
,, " exceeding 6 folios, per folio		1	0
Note.—Plans, sections, &c., accompanying rules to be paid for by the party taking the rule, according to the actual cost.			
Every judgment by default		5	0
Every final judgment, otherwise than judgment by default		10	0
Taxing every bill of costs, not exceeding 3 folios		5	0
,, ,, exceeding 3 folios, when taxed as between party and party, per extra folio		1	0
,, ,, same as between attorney and client, per folio		2	0
Every reference, inquiry, examination, or other special matter, referred to the master, for every meeting not exceeding one hour		10	0
For every additional hour or fraction thereof		10	0
For payment of money into Court, viz:			
For every sum under £50		5	0
Over £50 and under £100		10	0
Over £100	1	0	0
Every certificate		4	0
All office copies of documents, per folio		1	0
Every search		2	0
Every affidavit, affirmation, &c., taken before the Registrar		3	0
Every allowance and justification of bail		3	0
For taking special bail as a commissioner		4	0
Filing affidavit, and inrolling articles previous to the admission of an attorney	1	5	0
Every re-admission of an attorney	5	0	0
Every record of Nisi Prius, entered for trial	1	5	0
Every trial of a cause from plaintiff	1	0	0
,, ,, from defendant		15	0
,, ,, if the trial continues more than one day, then for every other day, from plaintiff and defendant, each		10	0
Returning the postea		5	0
Every cause made remanet, at the instance of the parties, to be paid by plaintiff or defendant, as the case may be		10	0
Every cause withdrawn, to be paid by the party at whose instance it is withdrawn		10	0
Re-entering every record of nisi prius, made remanet, &c.		4	0
Every reference, from plaintiff and defendant, each		5	0
Every amendment of any proceeding whatever		4	0
Every order or certificate		8	0
Every special case, or special verdict, in addition to the charge for ingrossing and copying at the rate of [1s.] per folio, from plaintiff and defendant, each		1	0
Every summons to try an issue before the sheriff		2	0
Every other summons whatever, whether in term or vacation		3	0
Every order to try an issue before the sheriff		2	0
Every other order whatever of an ordinary nature		3	0

Every order of a special nature, such as: reference to arbitration, or attendance of witnesses at arbitration; service of process on person resident abroad; reference to the master to fix sum for final judgment; revival of judgment, and the like		7	0
Every fiat, warrant, certificate, caveat, special case, special verdict, or the like		7	0
Every affidavit, affirmation, &c., whether in term or vacation, each deponent		4	0
Every admission of an attorney.....	5	0	0
Every commission for taking affidavits or special bail, ingrossing and sealing..	1	10	0
Every other commission for any purpose whatever ingrossing and sealing...		15	0
Every acknowledgment by married women		10	0
Office copies of judge's notes, or of any other proceeding whatever, per folio		1	0
Every cognizance or bond of any description whatever		15	0
Every allowance of writ of error		10	0
Bail on cepi corpus, habeus corpus, error or ejectment		4	0
Delivering bail piece off the file, or justification of bail		4	0
Every committal		5	0
Every exhibit signed by judge		1	0
Producing judge's notes		5	0
Bill of exceptions signed by judge		5	0
Crown Revenue cases, from defendant		5	0
Attendance as a commissioner to take affidavit, &c., or at a judge's house, or elsewhere, at request of parties	1	10	0

In cases where the party has been allowed to sue in forma pauperis, the fees are not to be demanded or taken, nor in cases where such fees would be payable by any Revenue or other Government Department.

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person under any pretence whatever.

IN BANKRUPTCY.

The Fees to be taken in all parts of the Colony should be the same as those taken in England, as authorized by Schedule C. to the Act 12 & 13 Vic., c. 106, s. 48, and by the General Order in Bankruptcy, 31st May, 1850, and rule 130 as to the allowances to the Official Assignee for collecting the Bankrupt's estate.

But the Judge may, on application, certify for a larger allowance on collections, where he shall be satisfied that the allowances authorized as aforesaid do not cover the actual expense, and no Official Assignee shall in such case retain more than the amount so certified.

IN LUNACY.

Such fees as are directed by the Act of the Imperial Parliament, 16 & 17 Vic. 70, s. 31.

IN PROBATE.

[See Act of 1857, s. 95.]

Generally as to all proceedings on all instruments and attestations to which the Seal of the Court shall be attached, either necessarily or at the request of the party, a fee of 4s. shall be taken, unless such instrument be already under this Ordinance chargeable with a fee (other than office copy fees) of the like or larger amount.

All office copies made or certified by the proper officer shall be charged at the rate of 1s. per folio of every 72 words.

In all payments, all coins may be accepted at the rates at which the same may actually be current at the place of payment.