

C A P. III.

An ACT for the Eſtabliſhment of Fees as regulated
by the Governor and Council at the Requeſt of the
Houſe of Aſſembly.

HERE AS the Fees to be taken by the different Offices in this
W Province for Services by them reſpectively to be done are not
ſufficiently aſcertained to regulate and eſtabliſh them in future
and prevent any undue Exactions or exorbitant Demands touch-
ing the ſame.

Preamble.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly,*
That no Officer or other Perſon or Perſons whatſoever for any Ser-
vice or Services by him or them to be done and performed in their
reſpective Offices herein after mentioned, for any Fee, Perquiſite or
other Reward, ſhall exact, demand or receive any greater or other
Fee or Fees, Sum or Sums of Money, than is or are herein after ſet
down allowed and eſtabliſhed for the ſame, that is to ſay :

No Officer or other
Perſon to take any
greater Fee, &c.
than is herein al-
lowed and eſta-
bliſhed.

*Judge of Probates Fees.*Judge of Probates
Fees.

For probate and registering a Will, Adminiſtration or Letter of Guar-
dianship, each *Twenty Shillings.*
Citation and Service, *Three Shillings.*
Letters ad Collegendum, *Ten Shillings.*
Decree for Diſtribution, *Twenty Shillings.*
Warrant of Appraiſement, *Five Shillings.*

Register's Fees.

Registers Fees.

For probate and registering a Will, Adminiſtration or Letter of Guar-
dianship, each *Twenty Shillings.*
Drawing Bond, *Three Shillings.*
Attending Execution of Ditto, *Two Shillings and Six Pence.*
Letters ad Colligendum, *Ten Shillings.*
Citation and Service, *Three Shillings.*
Filing Inventory, Accounts, &c. *One Shilling.*
All Searches, *One Shilling.*
Copy of Will and Probate, per Sheet 90 Words, *Nine Pence.*
Collating, *Five Shillings.*
Copying Inventory Accounts, per Sheet 90 Words, *Nine Pence.*
Certificate and Seal, *Six Shillings and Eight Pence.*
Decree for Diſtribution, *Twenty Shillings.*
Copy of Citation, *Three Shillings and Four Pence.*
Warrant of Appraiſement, *Five Shillings.*
Every Exhibit, *Four Pence.*

Juſtices

*Justices Fees Common Pleas.*Justices Fees Com-
mon Pleas.

Entering every Cause, first Justice, *Two Shillings and Six Pence.*
 Entering every Cause, Assistant Justices each, *One Shilling.*
 Every Cause tried and final Judgment, first Justice, *Six Shillings.*
 Every Cause tried and final Judgement, Assistant Justices, each
Three Shillings.
 Summary Cause, the whole Court, *Five Shillings*
 Taxing Bill of Costs, *One Shilling.*
 Taking Bail at his own Chambers, *Two Shillings.*

Justices Fees.

Justices Fees.

Issuing Writ or Summons, *Two Shillings and Six Pence.*
 Supœna, *Six Pence.*
 Judgment, *One Shilling.*
 Execution, *One Shilling.*
 Every Bond or Recognizance, *One Shilling.*
 Every Affidavit in Writing, *One Shilling.*
 Sending Proceedings to Inferior or other Courts, *One Shilling.*
 Warrant in Trespafs, Assault in Battery on Conviction of the Of-
 fender, *One Shilling.*
 Acknowledging Instrument or Deed, *One Shilling.*
 Every Examination in Assault in Battery on Conviction of the Of-
 fender, *Two Shillings and Six Pence.*

*Clerk's Fees in the Supreme Court.*Clerks Fees in the
Supreme Court.

Entering Action, filing Oath, Warrant and Præcipe the whole,
Two Shillings and Six Pence.
 Sealing and signing every Writ, Execution or other Proccs, *One Shilling.*
 Filing every Writ and entering Return, *Six Pence.*
 Filing Declaration and all other Pleadings, *Six Pence.*
 Entering Appearance, *One Shilling and Six Pence.*
 Entering and filing every Rule of Court, *Six Pence.*
 Copy of every Rule when given by Clerk, *Six Pence.*
 Swearing and Impannelling Jury, *One Shilling.*
 Swearing each Witness or Constable, *Six Pence.*
 Taking and entering Verdict, *One Shilling.*
 Entering Judgment, *Two Shillings.*
 A Retraxit or Discontinuance, *Six Pence.*
 Copies of all Records or Pleading each 90 Words, *Six Pence.*
 Every Exhibit in a Cause filed in Court, *Four Pence.*
 Attending striking Special Jury and Copy of Pannel to be given to
 each Party, *Five Shillings.*
 Taking Affidavit in Court, *One Shilling.*
 Filing Affidavit each, *Six Pence.*
 Searching the Records, *Six Pence.*
 Entering every Default, *Six Pence.*
 Entry Confession, Lease Entry and Ouster, *One Shilling.*

Taking

Taking and filing special Bail Piece, *One Shilling.*
 Drawing and taking every Recognizance, *One Shilling.*
 Entering every Non Suit, *Six Pence.*
 Sealing and signing Subpœna, *One Shilling.*
 Continuance of every Cause, *One Shilling.*
 Filing the Roll in every Action, *One Shilling.*
 Taxing every Bill of Coſts, *One Shilling.*
 In every ſummary Cause not tryed by a Jury in Lieu of all other Fees including ſigning and ſealing Writ, together with the final Judgment, *Five Shillings.*
 Writs of Partition, Writs of Certioraries and Writs of Error the Fees of the Clerk to be as above ſtated and none other.

Clerk of the Peace his Fees.

Drawing an Indictment if found, *Two Shillings and Six Pence.*
 Every Trial and Judgment, *Two Shillings and Six Pence.*
 Every Submiſſion, *Two Shillings and Six Pence.*
 Concordatum Fee, *One Shilling and Six Pence.*
 Every Petition and Proceedings thereon, *Two Shillings and Six Pence.*
 Every Cause continued by Traverſe or otherwiſe, *One Shilling.*
 Every Preſentment proceeded on to be paid by the Delinquent, *Three Shillings and Four Pence.*
 Certificate of Adminiſtring the State Oaths, *One Shilling.*
 Warrant from the Court, *One Shilling.*
 Every Recognizance each Perſon, *One Shilling.*
 Diſcharging a Recognizance, *One Shilling.*

Clerk of the Peace
his Fees.

Attornies Fees.

For Writ, Præcipe, Affidavit and Declaration, *Eleven Shillings and Eight Pence.*
 In all ſummary Causes that do not go to a Jury, for all other Proceedings until final Judgment, *Eight Shillings and Four Pence.*
 Retaining Fee in each Cause above £20. *Ten Shillings.*
 Drawing Affidavit of Debt, *One Shilling and Six Pence.*
 Every Writ, Summons or other original Proceſs, *Five Shillings.*
 Term Fee, *Five Shillings.*
 Every Declaration not containing more than three Sheets at 90 Words each, *Five Shillings.*
 Copy for Service and filing each, *Two Shillings and Six Pence.*
 Every Common Plea, Replication or Rejoinder, *One Shilling.*
 Copy for Service and filing each, *Nine Pence.*
 Drawing every ſpecial Declaration, Plea, Replication, Rejoinder or other neceſſary Pleadings, each 90 Words, *One Shilling.*
 Copy to file and ſerve every 90 Words, *Six Pence.*
 Drawing Brief, *Five Shillings.*
 Each Copy for Council, *Two Shillings and Six Pence.*
 Notice of Trial Copy and Service. *Three Shillings and Six Pence.*

Attornies Fees.

Notice of Taxing Cofts, *Two Shillings and Six Pence.*

Drawing Notice of Exceptions to Bail Copy and Service, *Three Shillings and Six Pence.*

Every Continuance, *One Shilling.*

Every Difcontinuance or Retraxit, *One Shilling.*

Attending, Ballotting, or striking fpecial Jury, *Ten Shillings.*

Attending taking every Inquifition before Sheriff, *Ten Shillings.*

Making Bill of Cofts, *Two Shillings and fix Pence.*

Attending to get fame taxed, *Two Shillings and fix Pence.*

Arguing a Demurrer fpecial Verdict on Motion for new Trial or other fpecial Motions, *Ten Shillings.*

Trial Fee, *Twenty Shillings.*

Drawing Common Rule in Ejectment, *Three Shillings.*

Copy, *Two Shillings.*

All other Rules and Copies, each *One Shilling.*

Every Supbœna, *Two Shillings.*

Every Ticket and Service, *Two Shillings and fix Pence.*

Travel per Mile for Service, the fame as to Sheriff.

Every Execution, Vend, Exprefs, Ven. Fa. Habeas Corpus, Writ of Error, Writ of Poffeffion, Rits. Habendo, and Writ of Enquiry, each *Six Shillings.*

Making up Ifsue every 90 Words, *Six Pence.*

Copy for Service, every 90 Words, *Six Pence.*

Making up Records, every 90 Words, *Six Pence.*

Engroffing the fame, every 90 Words, *Six Pence.*

All other Drafting and Copying neceffary to be done by an Attorney in the Conducting of a Cause to be paid for, for every 90 Words, *Six Pence.*

Plaintiffs retracting or difcontinuing their Suits without Leave of Court to pay Defendants their Fees.

II. *Be it further Enacted, by the Authority aforefaid, That in all Causes wherein Judgment fhall hereafter be given for the Plaintiff or Plaintiffs, all Fees which fhall be paid, due, owing or payable by fuch Plaintiff or Plaintiffs by Virtue of this Act fhall be taxed againft, and fhall be paid by the Defendant or Defendants in fuch Cause or Causes, and that in all Causes which fhall be instituted and not profecuted to final Judgment, or which fhall be retracted or difcontinued without Leave of the Court, where the fame fhall be instituted or the Consent of the Defendant or wherein Judgment fhall be given for the Defendant or Defendants all Fees Cofts, and Charges which fhall be paid, due, owing or payable by fuch Defendant or Defendants by Virtue of this Act, fhall be taxed againft and fhall be paid by fuch Plaintiff or Plaintiffs.*

None but sworn Attornies to have Fees taxed, and only for Services actually done by them.

III. *Be it further Enacted, by the Authority aforefaid, That none of the Fees by this Act allowed for Attornies fhall be taxed for or allowed to any but sworn Attornies regularly admitted into the Court, wherein any Cause fhall be instituted or tryed, and in no Cause or Causes where-*

in an Attorney is not really employed, and for no other Services than such as he shall actually do and perform in such Cause.

Sheriffs Fees.

Sheriffs Fees.

Serving every original Procefs, *Two Shillings and Six Pence.*
 Travel per Mile to be computed from the Court House where the Procefs is to be returned, *Three Pence.*
 Bail Bond, *Three Shillings.*
 Summoning a Jury in each Cause, *Two Shillings and six Pence.*
 Execution under £40. per Pound, *Nine Pence.*
 From £40. to £100. Do. *Six Pence.*
 Above £100. *Four Pence.*
 Every Deed, *Five Shillings.*
 Serving Writ of Possession, *Ten Shillings.*
 Serving Scire Facias and Return, *Three Shillings.*
 Returning Special Jury, *Ten Shillings.*
 Bringing up a Prisoner by Habeas Corpus, *Five Shillings.*
 Executing Writ of Enquiry, Summoning Jury and Return, *Ten Shillings.*
 Attending Prisoner before Judge on any special Occasion, *Three Shillings and Six Pence.*
 Every Member returned duly elected to serve in General Assembly in Lieu of all other Expences to be paid out of the Treasury, *Thirty Shillings.*

Jurors Fees.

Jurors Fees.

For every Cause tried each Juror, *One Shilling.*
 Fees for Attending on a View to be taxed at the Discretion of the Court.

Witnesses Fees.

Witnesses Fees.

For Attendance per Day at Court, *Two Shillings and six Pence.*
 Travel per Mile, *Three Pence.*
 All Clerks Fees in the Inferior Court of Common Pleas to be the same as the Clerks Fees in the Supreme Court and to be taken for Services actually performed and none other.

Clerks Fees in the Inferior Court to be the same as the Clerk of the Supreme Court.

Cryers Fees.

Cryers Fees.

For every Default or Non Suit, *Four Pence.*
 Calling Jury in each Cause, *Six Pence.*
 Every Verdict, *Four Pence.*
 Swearing every Witness, *Three Pence.*
 Every one discharged by Proclamation, *Six Pence.*

Constables Fees.

Constables Fees.

Attending a Jury in each Cause, *One Shilling.*
 Serving every Warrant or Summons, *One Shilling.*
 Summoning a Jury by Warrant from Coroner and Attendance per Day, *Two Shillings and six Pence.*
 Travelling per Mile, the same as the Sheriff, *Three Pence.*

Clerk

Clerk of the Assembly's Fees in Private Affairs.

Clerk of the Assembly's Fees.

Reading and entering every Petition or other Instrument in Writing, *One Shilling.*Reading every private Bill each Time, *Six Pence.*The perusing an Act or one Days Minutes, *One Shilling.*Entering every Order, *Six Pence.*Entering a Report in the Journals of the House, *Nine Pence.*Engrossing every private Bill, per Sheet 90 Words, *Nine Pence.*

The Clerk of the Assembly's Fees to be taxed by the Speaker, provided no Bill be called Private, which concerns Counties, Towns or Precincts.

Coroners Fees.

Coroners Fees.

For serving a Writ, Summons or Execution and Travelling Charges, the same as allowed the Sheriff.

Taking an Inquest to be paid out of the Deceased's Estate, *Twenty Shillings.*

And if no Estate to be paid by the several Counties where the Inquest is taken.

Coroner allowed 20s. for the Expences of burying Deceased if he has not any Goods.

And wherever a Coroner shall take an Inquest and the Deceased shall have left no Goods or Effects to discharge the Expences of Burying, the Coroner shall bury him, and shall be paid Twenty Shillings for the same, out of the Treasury of the Province, provided the Interment is certified by the Justices in Session to have been decently performed.

Clerk to examine and compare Bills and to certify the same and no Bill to be charged until allowed by a Judge.

IV. *And be it further Enacted, by the Authority aforesaid, That the Clerk of the Court where any Cause shall be brought shall examine and compare all Bills of Cost, that it contains no other or greater Fees than is allowed by this Act, and before any such Bill or Bills of Cost, shall be charged against the Plaintiff or Defendant, the said Bill so certified shall be allowed and signed by one of the Judges of the Court in which such Cause was brought.*

Attornies to draw up the Particulars of Bills of Cost and to file a Copy of taxed Bill in the Clerk's Office.

V. *And be it further Enacted, by the Authority aforesaid, That at all Times hereafter when any Attorney shall receive the Costs due on any Actions he shall (if thereto required by the Person paying the same) at the Time of Payment or at any Time when demanded within Six Months, draw up the Bill of Particulars and deliver the same to the Party who has paid with a Receipt, and before he shall issue Executions in any Cause he shall file a Copy of the said taxed Bill of Costs in the Clerks Office of the Court out of which such Execution shall issue; and in Cases where Executions issues out of the Supreme Court, he shall first file the Judgment Roll in the proper Office and shall upon the Execution endorse the real Debt due.*

Judgment Roll to be filed before Execution issues.

VI. *And be it further Enacted, by the Authority aforeſaid, That if any Officer or Officers, Perſon or Perſons whomſoever ſhall exact or take any greater or other Fees, in Reſpect of any of the Services herein before mentioned, than are aſcertained or allowed by this Act, he or they ſo offending ſhall for each Offence forfeit the Sum of Ten Pounds, one Half thereof to the Uſe of our Sovereign Lord the King, His Heirs and Succeſſors, for and towards the Support of the Government of this Province, and the other Half to any one who ſhall ſue for the ſame to effect, to be recovered by Action of Debt, Bill, Complaint or Information in any Court of Record within this Province with full Coſts of Suit, and the Party ſo offending ſhall further pay double the Amount of the exceſſive Fees taken, to the Party aggrieved.*

Any Perſon taking greater Fees than herein allowed to forfeit £10.

VII. *Provided always, That all Actions, Proſecutions and Suits for the Forfeitures and Penalties incurred by Virtue of this Act, ſhall be brought and commenced in the County where the Offence was committed and within Six Months from the Time the Offence or Offences were committed and not otherwiſe.*

Proſecutions to be brought in the County within fix Months.

C A P. IV.

An ACT for applying certain Monies therein mentioned for the Services of the Year One Thousand Seven Hundred and Eighty Eight, and for appropriating the Supplies granted in this Session of *General Aſſembly*.

May it Pleaſe your Excellency,

WE His Maſteſty's dutiful and loyal Subjects the *House of Aſſembly* of His Maſteſty's Province of *Nova-Scotia*, towards appropriating the Supplies granted to His Maſteſty in this Session of the *General Aſſembly*, and for ſupplying the Exigencies of His Maſteſty's Government of *Nova-Scotia*, do humbly beſeech it may be Enacted, *and be it Enacted, by the Lieutenant Governor, Council and Aſſembly, That* by or out of ſuch Monies as now are, and from Time to Time ſhall be and remain in the public Treasury of this Province, there ſhall be paid and ſupplied to the Aſſiſtant Juſtice of the Supreme Court for his Salary for the Year One Thousand Seven Hundred and Eighty Eight, or for ſuch Part thereof, as the ſaid Office ſhall be actually filled for that Year, a Sum not exceeding Four Hundred Pounds, in Lieu of all Fees and Perquiſites whatever; and a further Sum of Four Hundred Pounds to another Aſſiſtant Juſtice of ſaid Court if ſuch ſhall be appointed, the ſaid Salary to commence and become payable from the Time he ſhall be qualified and take his Seat on the Bench, but not otherwiſe; and a further Sum of One Hundred Pounds to the

Aſſiſtant Juſtice of Supreme Court £400.

To another when appointed £400.